

to the claim of Thomas B. Magruder—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of farmers of Walworth County, Wis., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. CORLISS: Petition of S. Granger and other citizens of Detroit, Mich., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

Also, petition of W. Dupont and other druggists of Detroit, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DAVIDSON: Resolutions of Oshkosh Typographical Union, No. 211, of Oshkosh, Wis., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of Henry Rollman and other citizens of Chilton, Wis., favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ministerial Association of Oshkosh District of the Methodist Episcopal Church, of Wisconsin, in favor of the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Hall & Weeden, Oshkosh, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolutions of Ed. Saxe Post, Grand Army of the Republic, Department of Wisconsin, favoring Senate bill No. 283, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

Also, resolutions of Grand Army of the Republic posts, Department of Wisconsin, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DRISCOLL: Petitions of citizens of Spafford, Lenox, Brookfield, Georgetown, Manlius, Cazenovia, and Solville, N. Y., for the enactment of a law making dairy products subject to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

Also, petition of Theodore H. Kemtar and other druggists of Syracuse, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. ELLIOTT: Petition of D. C. Scott and others, of Kingstree, S. C., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. HAY: Papers relating to the claim of Philip Machir, of Virginia—to the Committee on War Claims.

By Mr. HEDGE: Petition of Royal P. Bogne and other citizens, of Salem, Iowa, for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. JACK: Papers to accompany House bill No. 11440, increasing the pension of Capt. Joseph B. Smith—to the Committee on Invalid Pensions.

Also, petitions of sundry churches and societies of Mount Pleasant, Baxter, Crenshaw, Reynoldsville, Stanton, Olivet, Kittanning, and Ford City, Pa., in favor of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. JENKINS: Petition of chiefs, headmen, speakers, and other members of the Lac Courte Oreilles band of Lake Superior Indians, urging favorable action upon Senate bill 2476 and House bill No. 6446, relating to certain treaty stipulations—to the Committee on Indian Affairs.

By Mr. JONES of Washington: Resolutions of Morton Post, No. 10, Department of Washington and Alaska, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MCALEER: Resolutions of Civil War Veterans' Association, New York, favoring Senate bill No. 283, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

Also, protest of Drexel Biddle, publisher, Philadelphia, Pa., against the passage of House bill No. 10275, as being detrimental to the business of news dealers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pure Butter Protective Association, Philadelphia, Pa., in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the New York Branch of the National Association of Civil-Service Employees of the Navy Department, urging the passage of House bill relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. MAHON: Papers to accompany House bill for the relief of William J. Jackman—to the Committee on Invalid Pensions.

By Mr. MAY: Papers to accompany House bill for the relief of Frank S. Taft—to the Committee on Military Affairs.

By Mr. NEVILLE: Petition of members of Post No. 265 De-

partment of Nebraska, Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

Also, petition of T. F. Maher Post, No. 267, of Department of Nebraska, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, affidavit to accompany House bill No. 11314, granting a pension to John F. Powers, of Sheridan County, Nebr.—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petitions of churches and associations and citizens of Lebanon, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of M. Lichty & Co. and other retail druggists of Indianapolis, Ind., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of John T. Cunningham, of Coffee County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Petitions of the Woman's Christian Temperance Union of East Lynn, Mass., and Associate Church and Baptist Church, of Revere, Mass., urging the passage of the Bowersock bill preventing the sale of liquor upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of I. A. Schanep, pharmacist, of Collamer, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of E. L. Bentley Post, No. 265, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Utica, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Dr. George F. Leick and others, composing a committee of societies in Cleveland, Ohio, urging the Government to use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African republics—to the Committee on Foreign Affairs.

By Mr. TOMPKINS: Papers to accompany House bill granting a pension to Biana Blenker—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of the Norfolk Seamen's Friend Society, to accompany House bill for the relief of the Seamen's Bethel Church at Norfolk, Va.—to the Committee on War Claims.

## SENATE.

FRIDAY, May 18, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### IMPORTATION OF JAPANESE LABORERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report from the Commissioner-General of Immigration relative to the importation of Japanese laborers under contract in violation of the contract-labor laws; which, with the accompanying papers, was referred to the Committee on Immigration, and ordered to be printed.

### DEPARTMENT OF THE INTERIOR, BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting estimates of deficiencies in appropriations for repairs of buildings, Department of the Interior, 1900, for removal of offices of Interior Department to the old Post-Office Department building, \$3,500; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### REPAIRS OF COAST DEFENSES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for "repairs of coast defenses" for the fiscal year 1901, \$92,680; which, with the accompanying papers, was referred to the Committee on Coast Defenses, and ordered to be printed.

### COAST ARTILLERY TARGET PRACTICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for subcaliber tubes, fittings, and ammunition for coast



artillery target practice, \$212,000; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

#### TRANSCRIPTS OF RECORDS AND PLATS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for furnishing transcripts of records and plats, General Land Office, \$10,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### ROCK ISLAND ARSENAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the Rock Island Arsenal, Rock Island, Ill., \$97,000; which with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### PUBLIC RECEIPTS AND EXPENDITURES IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of January 17, 1900, additional statements from the military governor of Cuba, relating to the public receipts from taxation, customs, and all other sources collected in Cuba, etc.; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River, at Pierre, S. Dak.

The message also announced that the House had passed a bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made; in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the following bills disagreed to by the Senate; agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the respective conferences on the part of the House:

A bill (S. 1781) granting an increase of pension to Julia MacN. Henry;

A bill (S. 2497) granting an increase of pension to Sarah W. Rowell; and

A bill (S. 1619) granting an increase of pension to Ella Cotton Conrad.

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Young People's Christian Union of Franklin, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the newly acquired island possessions; which was referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the Baptist Church of Groton; the Woman's Christian Temperance unions of East Lynn, Vineyard Haven, and Roslindale; of sundry citizens of Medford, Wareham, and Egremont, and of the Young People's Society of Christian Endeavor of Uxbridge, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. WELLINGTON. I present a joint resolution of the legislature of Maryland, urging an appropriation to improve the Severn River and harbor of Annapolis, in that State. I ask that the joint resolution be read and referred to the Committee on Commerce.

There being no objection, the joint resolution was read and referred to the Committee on Commerce, as follows:

STATE OF MARYLAND, OFFICE OF SECRETARY OF STATE,  
Annapolis, May 14, 1900.

DEAR SIR: Complying with the request contained in joint resolution No. 7 of the general assembly of Maryland, passed at the January session, 1900, I beg to transmit herewith a copy of said resolution.

Respectfully,

WILFRED BATEMAN, Secretary of State.

Hon. GEORGE L. WELLINGTON, Washington, D. C.

Joint resolution of the general assembly of the State of Maryland, to Congress, to improve the Severn River and harbor of Annapolis, Md.

Whereas Congress, in the river and harbor act approved June 3, 1893, gave authority to the Secretary of War, under the supervision of the Chief of Engineers, to cause a survey to be made of the channel of the entrance to the harbor of Annapolis, Md., which authorization and the objects thereof are contained in the words as follows, to wit: "Annapolis Harbor, with a view of

straightening, widening, and deepening the channel of the entrance to said harbor so as to obtain a ship's channel of 150 feet wide and 28 feet deep at mean low water from Chesapeake Bay to the wharves of the United States Naval Academy, in said harbor;" and

Whereas under said authorization an official survey was made, which was fully communicated to the Speaker of the House of Representatives by the Secretary of War on December 9, 1896, and printed as House Document No. 57, Fifty-fourth Congress, second session; and

Whereas in said report it was stated that the sum of \$142,000 was necessary in order to straighten, widen, and deepen the channel to the entrance to the harbor of Annapolis, Md., so as to obtain a ship's channel of 150 feet wide and 28 feet deep, at mean low water, from Chesapeake Bay to the wharves of the United States Naval Academy, in said harbor: Therefore, be it

Resolved by the general assembly of the State of Maryland, That the delegation in Congress from this State be, and they are hereby, requested to urge upon Congress to make an appropriation of the sum of \$142,000 with which to make said river and harbor improvements; be it

Further resolved, That the secretary of state be, and he is hereby, requested to transmit a copy of these resolutions, under the seal of the State, to each of the Senators and Representatives now in Congress from this State.

LLOYD WILKINSON,  
Speaker of the House of Delegates.

JOHN HUBNER,

President of the Senate.

STATE OF MARYLAND, OFFICE OF THE SECRETARY OF STATE,  
Annapolis, May 14, 1900.

I, Wilfred Bateman, secretary of state of the State of Maryland, do hereby certify that the foregoing is a true and correct copy of joint resolution No. 7, as passed by the general assembly of Maryland at its January session, 1900.

In testimony whereof I have hereunto set my hand and, by order of the governor, attested by his signature, have affixed the great seal of the State of Maryland.

Done at the city of Annapolis this 14th day of May, 1900.

By the governor:

JOHN WALTER SMITH.

[SEAL.]

WILFRED BATEMAN,

Secretary of State.

Mr. QUARLES presented the petition of James Matheson and 25 other citizens of Millard, Wis., praying for the enactment of legislation to increase the tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry members of the Lac Courte Oreilles band of Lake Superior Indians, praying for the enactment of legislation to authorize the Secretary of the Interior to fulfill certain treaty stipulations; which was referred to the Committee on Indian Affairs.

Mr. SPOONER presented a petition of the congregation of the First Methodist Episcopal Church of Madison, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented the petition of James Matheson and 25 other citizens of Millard, Wis., praying for the enactment of legislation regulating the tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented a petition of the congregation of the Methodist Church of Ishpeming, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the congregation of the First Reformed Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.

Mr. PETTIGREW presented a petition of 53 citizens of Hoblitzell, Pa., praying for the public ownership of railways, telegraphs, and telephones, and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a petition of the faculty of the Industrial College of the University of Nebraska, praying for the establishment of a bureau of weights and measures; which was referred to the Committee on Mines and Mining.

Mr. NELSON presented a petition of the city council of Minneapolis, Minn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

#### REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893, reported it with amendments.

Mr. PENROSE, from the Committee on Commerce, submitted a report to accompany the bill (S. 417) to provide for adding to and completing specimens and productions, both natural and manufactured, of the United States and of foreign countries, to be exhibited in the Philadelphia museums for the purpose of increasing the trade of the United States, heretofore reported by him from that committee.



He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate \$2,479.03 to reimburse Theodore J. Arms, assistant paymaster United States Navy, for moneys stolen from the paymaster's safe at San Juan, Porto Rico, intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 17th instant, authorizing the construction or purchase of a revenue cutter for use at Philadelphia at a cost not exceeding \$50,000, intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate \$30,000 for establishing a light and fog-signal station on the new breakwater, harbor of refuge, Delaware Bay, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3559) for the relief of Henry Doane, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL. On behalf of the Senator from Vermont [Mr. PROCTOR], who is necessarily engaged on public business at the present time, I report back with an amendment, from the Committee on Military Affairs, the joint resolution (S. R. 94) relating to military badges, and submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. SPOONER on the 17th instant, relative to the construction of a breakwater to fully protect the harbor of Ashland, Wis., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10581) granting a pension to Joseph B. McGahan;  
A bill (H. R. 9826) granting an increase of pension to Russell L. Mocre;

A bill (H. R. 6990) granting a pension to Patrick O'Donnell;  
A bill (H. R. 538) granting an increase of pension to Charles F. Winch;

A bill (H. R. 5549) granting an increase of pension to David H. Ingerson;

A bill (H. R. 6352) granting a pension to Lizzie B. Leitch;  
A bill (H. R. 7588) granting a pension to Robert Patterson;  
A bill (H. R. 8992) granting a pension to Margaret J. Kibble;  
A bill (H. R. 10412) granting an increase of pension to George B. Abbott; and

A bill (H. R. 10870) granting a pension to Herbert J. Graff.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5804) granting a pension to Byron F. Davis, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 3082) granting an increase of pension to Joseph H. Sparks, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8476) granting a pension to Christopher Costello, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the amendment submitted by Mr. FOSTER on the 15th instant proposing to appropriate \$1,529.20 to enable the Attorney-General to pay James C. Drake, late United States marshal in the State of Washington, for moneys expended in connection with his duties as such marshal, intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 8404) granting an increase of pension to Timothy A. Lewis, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to

whom was referred the bill (S. 4200) for the relief of acting assistant surgeons of the United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred an amendment proposing to appropriate \$150,000 for rebuilding and enlarging the military post at Fort Meade, S. Dak., etc., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 2885) fixing the time when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, reported it with amendments, and submitted a report thereon.

#### INVESTIGATION OF INDIAN AFFAIRS.

Mr. THURSTON, from the Committee on Indian Affairs, reported the following resolution: which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Indian Affairs be authorized, either by full committee or such sub-committees as may be appointed by the chairman thereof, during the coming recess of Congress to visit and investigate the several Indian reservations, Indian schools supported in whole or in part by the Government, or any reservations where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have the power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place, or places as they may determine, to employ stenographers and such clerical assistance as may be deemed advisable; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

#### BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4746) to correct the military record of Harrison Defibaugh; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4747) granting an increase of pension to Edward M. Duff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4748) granting an increase of pension to Mary Wolcott Kilburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ROSS (for Mr. PROCTOR) introduced a bill (S. 4749) authorizing the Secretary of War to acquire, by purchase, the exclusive rights for the United States to the Isham high explosive shell and the process for the manufacture of the high explosive "thorite;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 4750) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BAKER introduced a bill (S. 4751) granting an increase of pension to Andrew J. Freeman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 4752) granting an increase of pension to Ven Druth Washburn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 4753) to authorize the purchase and hanging of the picture "Rodney's Ride," by Wilmuth Gary; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4754) granting a pension to Lillie Maucha; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4755) to authorize the more rapid drainage of the flood plane of the Mississippi River and its tributaries into the Gulf of Mexico, at private expense; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULBERSON introduced a bill (S. 4756) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman; which was read twice by its title, and referred to the Committee on Finance.

Mr. NELSON introduced a bill (S. 4757) to provide for the relief of certain settlers upon Wisconsin railroad lands forfeited under the act of September 29, 1890, which lands were treated by the Interior Department erroneously as Chicago, St. Paul, Minneapolis and Omaha indemnity lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4758) granting permission to the Indians of the Grand Portage Indian Reservation, in the State of



Minnesota, to cut and dispose of the timber on their several allotments on said reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4759) for the relief of the estate of Henry Fitzhugh, deceased; and

A bill (S. 4760) to refer the claims of R. A. Young and others to the Court of Claims.

Mr. DANIEL introduced a bill (S. 4761) to provide for paying certain advances made to the United States by the State of Virginia for public buildings; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4762) for the relief of Mrs. L. M. Jeffries; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4763) granting certain rights and powers within the District of Columbia to the Maryland Compressed Air Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SULLIVAN introduced a bill (S. 4764) to authorize the Commissioners of the District of Columbia to open, grade, and extend Albemarle street, in the District of Columbia, from Connecticut avenue to Rock Creek Park; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MONEY submitted an amendment proposing to appropriate \$12,000 for curbing and paving S street, in the District of Columbia, from Phelps place westward to Massachusetts avenue, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GEAR (for Mr. CULLOM) submitted an amendment providing for the purchase of a site and the erection of a public building at East St. Louis, Ill., at a cost not to exceed \$220,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WELLINGTON submitted an amendment proposing to appropriate \$142,000 for improving Annapolis Harbor, Maryland, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DAVIS submitted an amendment proposing to appropriate \$2,288.03 to enable the Secretary of State to carry into effect the act approved August 3, 1894, entitled "An act for the disposal of the accretions of the *Virginus* indemnity fund," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. CULBERSON submitted an amendment providing for an examination and survey of the Brazos River from its mouth to the city of Waco, Tex., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate \$210 to pay John Brown the difference between the pay of a folder and that of a messenger, and also to pay A. B. Putnam the difference between the pay of a folder at \$900 per annum and that of a messenger at \$1,200 from February 1, 1900, to February 1, 1901, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK submitted an amendment proposing to appropriate \$318 to reimburse William A. Richards, late United States surveyor-general for Wyoming, for losses incurred by him through a cloudburst near Fort Washakie, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate \$200 to pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KENNEY submitted an amendment intended to be proposed by him to the bill (H. R. 11646) making provision for emergencies in river and harbor works for certain surveys and for diversion of certain appropriations or modifications of provision heretofore made; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$446.84 to pay John Q. Larman, \$312 to pay Joseph L. Harley, and \$312 to pay John P. Sparks, the same being 20 per cent additional compensation on their salaries under the joint resolution of Congress approved February 28, 1867, etc., intended to be pro-

posed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$120,000 to pay the State of Virginia for advances made to the United States in pursuance of an act of the general assembly of Virginia passed December 27, 1790, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$1,800 for one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, by reason of his personal experience and special aptitude, in connection with the work of collecting and compiling the Naval Records, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment authorizing the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls a sum equal to one month's pay, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

#### ASSISTANT CLERK TO COMMITTEE ON IMMIGRATION.

Mr. PENROSE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Immigration be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided for by law.

#### PAYMENT OF STENOGRAPHER.

Mr. ROSS (for Mr. PROCTOR) submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry, April 23, 1900, relative to proposed pure-food legislation, be paid from the contingent fund of the Senate.

#### SEVERN RIVER IMPROVEMENT, MARYLAND.

Mr. WELLINGTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate*, That the joint resolution of the general assembly of the State of Maryland and the amendment to the bill (H. R. —) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, both submitted to the Senate on this date, together with the papers from the authorities of the city of Annapolis, State of Maryland, relative to the proposed improvement of the Severn River and harbor at Annapolis, Md., submitted to the Senate January 23, 1900, be printed as a Senate document.

#### ASSISTANT CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the assistant clerk to the Committee on Naval Affairs be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided by law.

#### ISTHMIAN CANAL INVESTIGATION.

Mr. MORGAN submitted the following resolutions; which were read:

Resolutions to investigate the dealings of persons and corporations with the proposed ship canals in the Isthmus of Darien through Panama and through Nicaragua and Costa Rica.

*Resolved*: SECTION 1. That the Committee on Inter-oceanic Canals be, and are hereby, instructed to inquire, examine, and report whether any and what combination of persons or of any corporations is formed, or is in process of formation, or is engaged in any plan or enterprise having for its purpose the monopoly or control of any ship canal or railway across the Isthmus of Darien, at Panama, or in the States of Nicaragua and Costa Rica; that said committee will ascertain and report whether such combination or agreement is obstructive of the policy of the United States to own and control a ship canal across the Isthmus of Darien, or whether it is designed or contemplated by such agreement to interfere with or to hinder or obstruct the United States Government in its diplomatic or other intercourse with any foreign government on the subject of a ship canal across such isthmus, or whether such action on the part of such persons would have such effect if it is or shall hereafter be carried into execution.

SEC. 2. Said committee is instructed to inquire and report whether such plan or purpose as is mentioned or described in section 1 of these resolutions has the sanction of the laws of the State of New Jersey or any other State of this Union, and whether under such laws such corporation, or other association of persons, claims the authority to interfere with the laws, or to control the rights of the people of France, or any other foreign country, in respect of any isthmiian canal, or to exercise any corporate or other powers, rightfully or otherwise, in every such country; and whether the toleration of such pretensions and efforts by the Government of the United States is calculated to embarrass the friendly intercourse of the United States with France, or any other foreign country.

SEC. 3. That said committee is further directed to inquire and report whether every such plan or effort as is mentioned or described in section 1 of these resolutions is being promoted or has been promoted by the use of money in the United States, or elsewhere, or by issues, or promises to issue the bonds, or stocks, or scrip, or debentures of any corporation in the United States, or in France, or in any other country; and, generally, to investigate such transactions, so as to reach the real merits of the same and the conduct and purposes of the persons or corporations engaged in the same, to ascertain whether the same are honest or dishonest, or are lawful or unlawful.



SEC. 4. In executing the orders contained in these resolutions said committee may hold its sessions during the sessions of Senate, or in the vacation or recess of Congress; and such sessions may be held, on the call of the chairman of the committee, at any place in the United States.

SEC. 5. The committee is empowered to send for persons and papers, and to examine witnesses under oath, to be administered by the chairman, or by any member of the committee; and, for the purpose of conducting the examination of witnesses, and by order of the committee, three members thereof shall constitute a quorum.

SEC. 6. The committee may employ stenographers to take down and report the testimony of the witnesses, and may cause the same to be printed, from time to time, and in confidence, for the use of the committee, at the Government Printing Office, in Washington, D. C.

SEC. 7. The necessary expenses of travel of the committee, its clerk, and stenographer, and for stationery, and for the attendance and travel of witnesses shall be paid out of the contingent fund of the Senate, on the certificate of the chairman of the committee.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORGAN. Before the resolution is referred, I desire to submit a few remarks to the Senate, or to the committee through the Senate, to show the necessity of prompt action on the part of the committee and the importance of having the resolution adopted. Am I in order to proceed to discuss the subject on the motion to refer?

Mr. HOAR. I hope the Senator will have unanimous consent to proceed.

The PRESIDENT pro tempore. Without objection, the Senator from Alabama will proceed.

Mr. MORGAN. Mr. President, the old Panama Canal Company was organized and chartered under the laws of France. It went into operation and continued in operation until its bankruptcy some four or five years ago. That company then went into court, or was taken into court by creditors, by bondholders, or by stockholders, which of the three I have never been able to ascertain. Our present commission, charged with the investigation of that subject, have not as yet ascertained, although they spent twenty-four days in Paris, whether the case got into court there through the action of the stockholders, the bondholders, or creditors or through the action of the Government.

An order of court was made selling out the assets of what is called the old Panama Canal Company. A syndicate was formed of certain leading and important mercantile or banking houses in Paris for the purpose of taking over the assets of the old Panama Company and forming a new organization. After the formation of that syndicate the French court ordered the sale of the property, the assets of every kind, of the old Panama Company.

No schedule has come to the possession of the Committee on Inter-oceanic Canals, although it has been diligently sought for, to show what property was sold, at what price it was sold or when it was sold, or what was done with the money that was realized from the sale. The only fact that we have as yet acquired knowledge of is that stated by the New Panama Company in its communication to the President of the United States, in Senate Document 188, that the assets of the old company were sold and were bought by this syndicate.

This syndicate thereupon, under the orders and permission of the French court, reorganized the old company under a new name. The new name in English is the New Panama Canal Company. The corporators in the new company are the same that comprised the body of the corporators in the old company, except that there were some men added to it who appear to have advanced money for carrying on the new company. Whether the men who are added to the corporation as stockholders were members of the old corporation I am not prepared to state. We have not been able to ascertain that fact either from our commission or from any other source of information.

At the time of that sale of the assets of the Panama Canal Company, the old company owned at least a majority of the stock in the Panama Railroad Company. The Panama Railroad Company was chartered in the city of New York. Its stock was taken exclusively, I think, originally by American citizens, and the majority of it was sold out to the Panama Company at the rate of about \$250 a share of \$100 each.

It does not appear that a sale of the canal company's charter was made, or the Panama Railroad, except a majority of the stock, and it is said that a majority of the stock belonged to the old Panama Railroad Company. There is nothing definite to indicate in the papers which have been brought before the committee that that railroad company or this stock was sold to the New Panama Company. They make a statement in their report to the President of the United States, or, rather, in a letter to him, in which they say that their assets have been valued by disinterested valuers, competent men, and that the present value, including the cutting in the canal, the value of the concession, of the work that has been done, and the plant that they have established there, is \$90,000,000. That is the valuation which they put upon it themselves, and that is the valuation at which it has been offered to the United States, if it has ever been offered to the United States.

First, however, a receiver had been appointed by the French court, and that receiver undertook to prosecute the work of building the canal, and appointed a commission of eminent engineers

to make surveys and estimates, and the like. That commission went about its work and made its report to the receiver, who continued to attempt to prosecute the work. But the receiver finding that it was impossible to do it, and not being satisfied, as other engineers were not satisfied, that this commission had succeeded in finding a line for the canal which was practicable to be constructed, the matter was referred back to the court.

The new company was formed. They took over the assets, whatever they were, and went on with their collections of unpaid stock to whatever extent they could, and they organized what was called an International Scientific Commission, consisting of 14 engineers, all of them from Europe except one, General Abbott, from the United States, and another, who died, who was appointed, I think, from Brazil.

This new international commission of engineers made a very thorough and complete survey of that canal. They were unable to determine whether the canal should be built on either one of the three levels that they examined, measured, and reported upon with great labor, care, and expense. They failed to agree as to that vital conclusion. The new canal company took up the subject with another staff of engineers and have been prospecting on the line of these suggestions from that time until now and have not yet determined upon what line they will proceed to construct a canal, if they could proceed at all. Neither have they determined upon the feasibility of the canal upon either line, for the reason that they have not ascertained and settled the question whether or not it is possible to impound the waters of the Chagres River in such a way and to such an extent as to fill any of the levels of the canal in a time of drought, or the dry season, as it is called, which covers a period annually of about sixty days.

I have called attention to this general statement of the situation there for the purpose of drawing to the attention of the Senate a communication of February 28, 1899, from Maurice Hutin, director-general of the New Panama Canal Company, submitted to the President of the United States by Sullivan & Cromwell, who are the general counsel, New York City. I will read some extracts from that communication, which is the only one which has ever been submitted to the President, and which has been repeated to him within less than a month, as I shall show presently:

FEBRUARY 28, 1899.

SIR: The New Panama Canal Company has never proposed and does not seek any appropriation or financial aid from the Government of the United States in the completion of its canal.

This disclaimer should have come, if at all, from parties who were able to complete their canal without assistance, instead of the residuary legatee of the old company, bankrupt in character and with a remnant of \$13,000,000, which they claimed they had in active assets, to complete a canal at a cost, as they admit, of \$95,000,000. Their independence is a very striking feature of their poverty and distress. It is equally absurd. The letter to the President then goes on to express willingness to have this canal investigated, and it proceeds to point out what the Government will find there when the investigation is made, as follows:

It places its canal works on the Isthmus of Panama subject to the examination of this Government, or any special commission through whom it may be desired to make such examination, and will facilitate in every possible way any such desire of the Government.

The Government will find that fully two-fifths of the canal works are already constructed; that continuously during the past four years from 3,000 to 4,000 men, under a large force of engineers, have been and are now actually engaged upon its works; that all technical and physical problems have been solved by the eminent "International Engineering Commission," whose report of November 18 last is before you; that the canal is undoubtedly feasible, and the harbors at both ends natural harbors and entirely satisfactory; that its concessions are perfect and unquestioned, and that the relations of the United States to the canal are especial and superior by reason of the "special and remarkable advantages" secured to it by the treaty of 1846 between the United States and Colombia, and which rights, whatever they may be, were scrupulously respected, observed, and confirmed in the concessions of Colombia to the Panama Canal Company, under which the canal is being completed.

While the New Panama Canal Company does not seek any financial aid from the Government, it recognizes the national sentiment in favor of acquiring some pecuniary interest in any canal connecting the Atlantic and Pacific oceans. Therefore the New Panama Canal Company declares that if, as the result of any such investigation, the Government of the United States adopts the Panama route, the company, if the Government so desires, will reincorporate under the laws of the State of New York (under the laws of which State the Panama Railroad Company has existed for nearly fifty years), or of some other State of the Union, subject to the provisions of its concession, and vest its concessions and property in such corporation. It will also, in said event, accord to the United States such representation in its board of directors and such opportunity to acquire an interest in its securities as may be permitted by its concessions, which, of course, must be scrupulously observed.

And further, if the United States should desire to perpetuate or enlarge its existing rights and privileges, acquired under said treaty of 1846, the company will conform to such supplemental treaty as may be entered into between the United States and Colombia.

We beg leave to say that yesterday, at a public hearing accorded to us by the Committee on Rivers and Harbors of the House of Representatives, we submitted to the chairman and gentlemen of that committee a communication to the foregoing purport, and have the honor to be,

Your obedient servants,

MAURICE HUTIN,  
Director-General of the New Panama Canal Company.  
SULLIVAN & CROMWELL,  
General Counsel, New York City.

The PRESIDENT, Washington, D. C.



Mr. WOLCOTT. Will the Senator from Alabama permit me to ask him a question not relevant to this subject? I know he will pardon the interruption. We are all of us interested in what he is saying and in what he may say further upon this general question.

I want to call his attention personally, if I may, without embarrassing him at all, to the fact that the Senator from North Dakota [Mr. McCUMBER] has given notice of some remarks he wishes to make this morning, and that our Post-Office appropriation bill is pending, which we hope to finish to-day, but may not, and that to-morrow at 2 o'clock notice has been given by the senior Senator from Missouri [Mr. COCKRELL] of the unveiling of statues from the State of Missouri in the Capitol.

My object in rising was to suggest, if entirely agreeable to the Senator from Alabama, that if his resolution could go over until Monday and we could then hear him, it would facilitate the getting of the Post-Office appropriation bill into conference, and also the fulfilling of the requirement of the notice given by the Senator from North Dakota. But I do not seek to press it upon the Senator from Alabama unless it is entirely satisfactory to him.

Mr. MORGAN. Mr. President, after twenty minutes, if I have not finished, I will consent to that.

The latest information we have about this proposition after February 28, 1899, is this: Mr. Hutin communicates a dispatch dated February 12, 1900, to Mr. X. Boyard, of New York, in which he says:

[Translation.]

PARIS, February 12, 1900.

X. BOYARD, New York:

The general meeting of the shareholders has this day chosen a new board of management, which organized immediately under the presidency of Maurice Hutin, who, meantime, will continue to discharge his functions as director-general.

A list of the new members of the board, who represent the Paris establishments of credit and the more important groups of shareholders, will be sent to you by mail.

The new board of management confirms the declarations contained in the dispatch of January 6, which was sent you by Navarre, and requests you to go to Washington in order to renew to the honorable Secretary of State, Mr. Hay, the previous declaration of the New Panama Canal Company.

HUTIN.

That is the declaration I have just read. The dispatch of January 6, from Mr. Eugene Navarre to Mr. X. Boyard, is as follows:

[Telegram.]

PARIS, January 6, 1900.

X. BOYARD, New York:

Board of management has resigned. I have been appointed, by decision of the court, sole temporary manager of the New Panama Canal Company, instead of the board of management, and with its powers. I have assumed the duties of my office, retaining the director-general and all the principal officers, and I now confirm you in the position which you hold. My mission will last until the meeting of the general assembly of the stockholders, which will take place at the usual time, very soon.

Under these circumstances, be pleased to go to Washington immediately and to inform the Secretary of State that I shall in no wise modify the attitude assumed by the New Panama Canal Company in the declarations which it made to the Secretary of State himself December 2, 1898, through the director-general, to the Committee on Rivers and Harbors, to the President of the Republic of the United States February 27 and 28, 1899, and to Admiral Walker in the conference with the American commission at Paris September 8, 1899.

EUGENE NAVARRE.

Mr. President, that is the only proposition that has ever been made by the Panama Canal Company, the new company, to the United States. The old company never made any proposition. They call it new; but it is the same company with a new dress on it.

This proposition was made at a time when that new Panama Canal Company had ascertained that they were in a condition very rapidly approximating bankruptcy; that they had exhausted the \$13,000,000, which they had collected from the assets of the old company and from other sources, or were about to exhaust it, and they wanted help; and this is the invitation, and the only one, that has ever been extended to the Government of the United States to have any participation whatever in the New Panama Canal Company.

In the report of the committee now on the desks of Senators it is shown that, according to the concession of the Panama Canal Company from the State of Colombia, it is impossible for the Government of the United States to accept that proposition under any conditions without involving itself in very serious diplomatic troubles with France, for the reason that the old stockholders who number thousands—and I have been told they number 5,000—are retained as stockholders in the new company, the present company, the contract, as set forth in the report of the Senate Committee on Inter-oceanic Canals, showing that those stockholders have the right to come in and share in the profits of this canal after the new stockholders, who have become merely preferred creditors and preferred stockholders to the extent of a certain specified arrangement, stated in their report to the President of the United States or the Secretary of State, sent to the Senate at the present session and numbered Executive Document 188.

Mr. President, I want to call attention to the fact that it is absolutely impossible for the Government of the United States to accept this proposition.

Mr. SPOONER. Is the Senator reading from a Senate document?

Mr. MORGAN. Yes; Senate Document 188.

Mr. SPOONER. From the report of the committee?

Mr. MORGAN. I am not reading from the report of the committee, but the report presents the facts I am quoting.

I want to state, Mr. President, that it is absolutely impossible for the Government of the United States to go into this proposed New York corporation, or a corporation to be chartered in another State, as a stockholder, and that the Government shall appoint directors in a State corporation, and share with the old French stockholders and the new in the proceeds or incomes or dividends of this new Panama Canal Company. The proposition as presented is on its face so absurd that it would hardly be considered as worthy of investigation but for the fact that it is pressed in every possible form and at every possible moment of time.

This new company, when it found that the Congress of the United States had provided for a commission to go down to the Isthmus of Darien and ascertain what is the situation as to those different proposed canals, addressed to the President of the United States this letter, dated March 11, 1899:

Mr. Hutin to the President.

COMPAGNIE NOUVELLE DU CANAL DE PANAMA,  
45 Wall Street, New York City, March 11, 1899.

To the President:

Referring to the act of Congress approved on the 4th instant respecting an investigation of the Panama and Nicaragua canals, the New Panama Canal Company, as one of the subjects of the inquiry, respectfully invites attention to its communication addressed to you December 2, 1898, and to its subsequent offers to the honorable Secretary of State, and finally to its official proposition of February 27 last, all of which contain the proffer and urgent invitation that the President or Congress make the fullest investigation of the canal works, plans, seven concessions, and status of the New Panama Company; and it also refers to the official report upon the canal made by the International Technical Commission November 16, 1898, and placed in your hands by us on December 2 last.

The said act of Congress is therefore in full accord with our repeated offers and our warmest desires.

We again most respectfully renew our proffer of the fullest investigation and our offer of all the facilities to that end. But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptional character and unquestioned professional standing, and who are not embarrassed by public commitments or previous records favorable or unfavorable to either one or the other project and who have not heretofore served upon any canal commission.

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be of gentlemen whose conclusion will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,  
By MAURICE HUTIN, Director-General,  
SULLIVAN & CROMWELL, General Counsel.

They come forward insolently and suggest to the President of the United States whom he shall and whom he shall not appoint on a commission organized by Congress. A later letter was written to the President by this New Panama Canal Company, on April 30, 1900, almost down to this present day. That letter is as follows:

WASHINGTON, April 30, 1900.

THE PRESIDENT:

Permit us to refer to the communication addressed to you on February 28, 1899, by the Compagnie Nouvelle du Canal de Panama, and of which we attach a copy for your convenience.

Three days after the above communication (and which was similar to that addressed to the River and Harbor Committee of the House, Hon. Theodore E. Burton, chairman) Congress enacted the law of March 3, 1899.

Under the powers of said act the President appointed the "Isthmian Canal Commission," composed of Rear-Admiral John G. Walker, Hon. Samuel Pasco, Mr. Alfred Noble, C. E.; Mr. George S. Morison, C. E.; Gen. Peter C. Hains, Prof. William H. Burr, C. E.; Gen. Oswald H. Ernst, Prof. Emory R. Johnson, Mr. Lewis M. Haupt, C. E.

In addition to its examination of all other possible isthmian routes, the Isthmian Canal Commission has made an exhaustive examination of the plans and status of the company at Paris, where the records of twenty years are preserved, and also personally has examined upon the Isthmus of Panama the actual canal and canal works of the company and the feasibility of its undertaking, and at this time is further verifying surveys, plans, and specifications with a force of 700 to 800 men in the field.

The Isthmian Canal Commission has not yet made its report to the President, and, as we are advised, has not yet completed its investigations and inquiries upon the technical and other subjects covered by the said act of March 3, 1899, nor has the President yet communicated to Congress his recommendations in the premises.

In all these investigations concerning the Panama Canal the company has made to the Isthmian Canal Commission the fullest exposition and explanations, without reserve or exception, upon every aspect of the subject concerning which the commission has desired information, and also has delivered to the commission full and detailed plans, maps, and specifications of the company for the complete excavation and construction of the Panama Canal and canal works. These documents are great in volume and value, and represent the expenditure of a vast sum, as well as the results of many years of study in their original preparation.

The company has availed any action or course which might by the Government be deemed inconsistent with its said communication of February 28, 1899.

All this the company has done in full reliance upon the avowed purpose of the Government—as embodied in the act of March 3, 1899—of thoroughly and exhaustively investigating and reporting upon all possible isthmian canal routes, and in the reasonable expectation that, in the meantime, no action



would be taken upon the subject by the Congress of the United States inconsistent with the expressed purposes of said act.

On the contrary, however, and presumably without knowledge of the foregoing facts, measures have been introduced in Congress, and are to be acted upon in the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899.

We therefore respectfully request that the President advise the Congress of the facts of the case.

We have the honor to be, your obedient servants.

SULLIVAN & CROMWELL,  
General Counsel Compagnie Nouvelle du Canal de Panama.

This manifest purpose of this company to interfere with legislation, by asking the President to inform Congress of a state of facts, as alleged, of which Congress is "presumably without knowledge," is an insult to the intelligence of Congress. It is an insolent invitation to the President to control the action of Congress so that they shall not act upon bills reported by committees in both Houses and—

to be acted upon in the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899.

It is a spectacle that is, happily, without precedent, that this foreign corporation, acting in a foreign country and without any recognition even of the honesty of its dealings, while it has all the time been the subject of distrust by our Government, should ask the President to "advise the Congress of the facts of the case" for the purpose of opposing Congress in declaring and enforcing the public policy of our people and Government.

The House had agreed to consider this bill. They had fixed a day for its consideration, and passed the bill by a vote of 225 to 35. Thereupon this canal company interposes its objection to the President of the United States, and asks him to break up that proceeding in Congress for its benefit; and this foreign corporation, bankrupted, discredited by the Hayes Administration, discredited by its own conduct, with no canal project that itself has recommended or will act upon, comes to the President of the United States as late as April 30, 1900, and informs him that on May 1 and 2 the House of Representatives is about to act by agreement, by unanimous consent, on a proposition to pass a bill that may ignore them or may not, and demands that the President interfere.

Mr. President, this queer conduct on the part of that company and of another company and perhaps two other companies, as to which I expect soon to submit the facts, has caused me to make an investigation, which I have had to make hurriedly; but I have ascertained that for the purpose of creating a monopoly for the control of the isthmian waterway two corporations have been organized in the State of New Jersey—one with a capital of \$25,000,000 and the other with a capital of \$100,000,000—to take over any concessions, rights, or grants and to negotiate with any foreign country for the purpose of acquiring concessions and rights and grants for conducting all manner of business and for doing a great many things that I can not explain in any other way than by putting copies of those charters in my remarks, which I now ask leave to do; and I invite the Senate of the United States to examine these charters carefully.

They disclose the most heroic effort that has been made at any time or in any country to capture absolute and unlimited control and ownership of all waterways between the two great oceans, to the exclusion of all the rights of the United States, and in defiance of the laws and public policy of this Government. I have not the time under the limitations of debate at this time to point out the reckless abandon of these wild schemes of monopoly. I have no need to do so when these charters are read by Senators. When they are examined it will be ascertained at once that it is the duty of the Senate immediately to make an investigation for the purpose of breaking down or checking and forestalling one of the vastest and most comprehensive monopolies that has ever been inaugurated in the United States through corporate powers of charters granted by the State of New Jersey.

It is the general counsel of the New Panama Canal Company who attests as a witness, and otherwise discloses in these papers that the "Panama Canal Company of America" is the State incorporation referred to in the letter of M. Hutin to the President, dated February 28, 1899, which I have just read. It bears date of the 27th of December, 1899. On the 31st of March, 1900, the Inter-oceanic Canal Company was chartered in New Jersey to control in like manner the proposed Nicaraguan Canal, with powers even broader and more aggressive than those of the Panama Canal Company of America. These are contemporaneous, if they are not jointly, concerted efforts to seize upon the only practicable canal routes through the Isthmus of Darien and appropriate them under the supposed powers of New Jersey in granting charters for the benefit of combinations of private persons. If these plans are successful, they simply defy the powers and annul the public policy of the United States with reference to this great national

waterway. There are other corporations of like kind and for the same purposes that I expect soon to present to the Senate.

Enough is shown in the two charters that I will now present to show that this desperate effort to monopolize the transportation between the two oceans and upon their waters, and a vast sweep of other powers, demand the prompt and firm action of Congress. This is enough to say at this time to show the necessity for the adoption of the resolutions I have the honor to present to the Senate.

I will read those charters:

*Certificate of incorporation of Panama Canal Company of America.*

UNITED STATES OF AMERICA, State of New Jersey:

We, the undersigned, hereby do associate ourselves into a corporation, under and by virtue of the provisions of an act of the legislature of the State of New Jersey, entitled "An act concerning corporations (revision of 1893)," and the several acts amendatory thereof and supplemental thereto, for the purposes hereinafter named, and do make this our certificate of incorporation.

First. The name of the corporation is Panama Canal Company of America.

Second. The location of the principal office of the corporation in the State of New Jersey is at 76 Montgomery street, in Jersey City, in the county of Hudson, and the name of the agent therein and in charge thereof, upon whom process against this corporation may be served, is William Brinkerhoff.

Third. The objects for which the corporation is formed are as follows:

To acquire, by purchase or otherwise, the maritime ship canal of the Compagnie Nouvelle du Canal de Panama and the railway across the Isthmus of Panama between the Atlantic Ocean and the Pacific Ocean; to construct, exploit, complete, equip, repair, and enlarge; to operate, manage, maintain, and control said canal and railway and the various enterprises connected therewith; to collect tolls and revenues therefrom, and to use and enjoy the same.

To acquire, by purchase or otherwise, and to construct, operate, exploit, manage, and control lines of railway along or in the vicinity of such canal.

To acquire, by purchase or otherwise, and to construct, operate, and exploit, manage, and control cable lines, telegraph lines, and telephone lines along and to connect with such canal and such railway or railways, and in and along the shores of the oceans, seas, gulfs, and bays at, near, or to connect with such canals or railways.

To acquire, by purchase, lease, or otherwise, and to construct, maintain, operate, manage, and control, and to sell, let, pledge, or otherwise dispose of ships, boats, and other vessels of every kind and nature, and propelled by any power; to acquire concessions, grants, privileges, or licenses for the establishment and working of lines of steamships or sailing vessels, and to establish and maintain lines or regular services of steamships or other vessels between any ports of the world, and generally to carry on the business of shipowners, and to enter into contracts for the carriage of mails, passengers, goods, and merchandise by any means, either by its own vessels, railways, and conveyances, or by the vessels, conveyances, and railways of others; and to collect, use, and enjoy revenues therefrom.

To construct, purchase, take on lease, or otherwise acquire and to maintain, use, and manage wharves, warehouses, piers, docks, buildings, or works capable of being advantageously used in connection with the canal, shipping, carrying, or other business of the company; and to charge and collect dues and rentals for the use thereof.

To construct, purchase, or otherwise acquire and to own, equip, improve, work, develop, manage, and control public works and conveniences of all kinds, including railways, docks, harbors, light-houses, piers, wharves, canals, conduits, locks, reservoirs, irrigation works, tunnels, bridges, viaducts, embankments, buildings, structures, and any and all other works of internal improvement or public utility.

To enter into any arrangements with any governments or authorities—national, State, municipal, local, or otherwise—that may seem conducive to the company's objects or any of them, and to obtain from any such government or authority any and all rights, privileges, grants, and concessions which the company may think it desirable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions, including the construction of any and all internal improvements of any and every nature.

To issue shares, stock, debentures, debenture stock, bonds, and other obligations; to subscribe for, to acquire, to invest in, and to hold and control the stocks, shares, bonds, debentures, debenture stock, and securities of any government, national, state, or municipal, and of any canal, railway, or other corporation, private or public, and to exercise all the rights, powers, and privileges of ownership thereof; to vary the investments of the company; to mortgage, pledge, or charge all or any part of the property, concessions, rights, and franchises of the company, acquired and to be acquired; to make advances upon, hold in trust, sell, or dispose of and otherwise deal with any of the investments or securities aforesaid, or to act as agent for others for any of the above or the like purposes.

In general, to carry on any other business in connection therewith, with all the powers conferred by the aforesaid acts of the legislature of the State of New Jersey and acts amendatory thereof and supplemental thereto.

The corporation shall also have power to conduct its business in all its branches, to have one or more offices, to hold meetings of the directors, to keep its books (except the stock and transfer books), and to hold, purchase, mortgage, lease, and convey real and personal property without the State of New Jersey and in any and all the other States, the Territories, the District of Columbia, and the colonies, dependencies, and possessions of the United States of America, and upon the Isthmus of Panama, and in the United States of Colombia, and in any and all other foreign countries.

The objects in this article specified shall not be limited or restricted by reference to nor inference from the terms of any other article, clause, paragraph, or provision in this certificate contained.

Fourth. The amount of the total authorized capital stock of the corporation is \$30,000,000; the number of shares into which the capital stock is divided is 300,000 shares, consisting of 50,000 shares of first preferred stock, 150,000 shares of second preferred stock, and 100,000 shares of common stock, and the par value of each share is \$100. The amount of capital stock with which it will commence business is \$5,000, consisting of 24 shares of first preferred stock, 9 shares of second preferred stock, and 17 shares of common stock.

From time to time the first preferred stock, the second preferred stock, and the common stock shall be issued in such amounts and proportions as shall be determined by the board of directors and as may be permitted by law.

From time to time the capital stock and each class of the capital stock of the corporation may be increased as permitted by law in such amounts as may be determined by the board of directors and authorized by the holders of two-thirds in amount of each class of the capital stock then issued and outstanding.



The holders of the first preferred stock shall be entitled out of any and all surplus or net profits to receive noncumulative dividends whenever the same shall be declared set apart for or paid upon any other stock of the corporation.

In each and every fiscal year for which full dividends shall have set apart for or paid upon all of the first preferred stock, the holders of the second preferred stock shall be entitled, out of any and all surplus or net profits, to receive noncumulative dividends, whenever the same shall be declared by the board of directors, at the rate of but not exceeding 8 per cent per annum for such fiscal year; such dividend to be paid before any dividend for such fiscal year shall be declared, set apart for, or paid upon the common stock.

In addition thereto, in the event of the dissolution or liquidation of the corporation, the holders of the first preferred stock shall be entitled to receive the par value of their preferred shares before anything shall be paid upon the second preferred stock or upon the common stock out of the assets of the corporation; and the holders of the second preferred stock shall be entitled to receive the par value of their preferred shares before anything shall be paid upon the common stock out of the assets of the corporation.

The common stock shall be subject to the prior rights of the first preferred stock and the second preferred stock, as above declared. If after providing for the payment of full dividends for any fiscal year on the first preferred stock and the second preferred stock there shall remain any surplus or net profits, such remaining surplus or net profits shall be applicable to the payment of dividends at the rate of 4 per cent per annum upon the common stock whenever the same shall be declared by the board of directors; and out of and to the extent of any such remaining surplus or net profits, after the close of any such fiscal year, the board of directors may pay dividends for such fiscal year at the rate of 4 per cent per annum upon the common stock, but not until after said preferential dividends for such fiscal year upon the first preferred stock and the second preferred stock shall have been actually paid or provided and set apart.

After dividends for any such fiscal year shall have been paid at the rate of 5 per cent upon the first preferred stock and at the rate of 8 per cent per annum upon the second preferred stock, and at the rate of 4 per cent upon the common stock, and any and all other dividends from any remaining net profits which may be declared by the board of directors shall be declared and paid equally in respect of each and every share of the first preferred stock and the common stock of the corporation.

At all meetings of the stockholders of the company the holders of the first preferred stock shall be entitled to one and four-tenths votes (in person or by proxy) for each share of such first preferred stock; and the holders of such second preferred stock and of such common stock shall be entitled to one vote (in person or by proxy) for each share of such second preferred and for each share of such common stock.

With the consent of any holder thereof, any and all of the first preferred stock and any and all of the second preferred stock shall be subject to redemption, and may be redeemed at not less than the par thereof and accrued interest, upon the 1st day of January in any year, at the principal office of the corporation, at Jersey City, N. J. On or before the 1st day of November next preceding such date for redemption notice of intention so to redeem shall be given as follows: Printed notice addressed to each several record holder of such preferred stock who shall have caused his address to be recorded upon the books of the corporation shall be mailed to him at such address and also shall be published once in each week, for the eight weeks beginning on such 1st day of November, in one newspaper published in the city of New York and in one newspaper published in the city of Paris, which notice shall invite tenders of such preferred stock for retirement.

To provide wholly or in part for such redemption and retirement of such preferred stock, from time to time the corporation, by its board of directors, and in the discretion of the board, may create and may issue common stock in an aggregate amount equal to the amount of such preferred stock so redeemed and retired; and from time to time, upon the redemption and retirement of such preferred stock, certificates may be issued and delivered for corresponding amounts of common stock, which shall be deemed to be, and shall be, full paid and nonassessable if issued either for money or in exchange for a corresponding amount of such preferred stock.

Fifth. The names and post-office addresses of the incorporators and the number of shares subscribed for by each (the aggregate of such subscriptions being the amount of the capital stock with which the company commences business) are as follows:

Name.	Post-office address.	Number of shares.		
		First preferred stock.	Second preferred stock.	Common stock.
William P. Chapman, Jr.	310 West Forty-fifth street, New York City, N. Y.	8	3	6
Henry W. Clark.....	329 West Seventy-fourth street, New York City, N. Y.	8	3	6
Francis D. Pollak.....	Summit, N. J.....	8	3	5

Sixth. The duration of the corporation shall be perpetual.

Seventh. The corporation may use and apply its surplus earnings or accumulated profits, authorized to be reserved as a working capital, to the purchase or acquisition of property, and to the purchase and acquisition of its own capital stock, from time to time, to such extent and in such manner and upon such terms as its board of directors shall determine; and neither the property nor the capital stock so purchased and acquired, nor any of its capital stock taken in payment or satisfaction of any debt due to the corporation, shall be regarded as profits for the purposes of declaration or payment of dividends, unless otherwise determined by a majority in interest of all the stockholders.

The board of directors, by resolution adopted by a majority of the whole board, may designate five or more directors to constitute an executive committee, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have, and may exercise, all the delegable powers of the board of directors in the management of the business affairs of the corporation.

The board of directors, by resolution adopted by a majority of the whole board, may designate a special committee of the board consisting of directors resident in France; and such special committee shall possess and exercise such powers and perform such duties as may be delegated to it from time to time by the board of directors or by the by-laws of the corporation.

The board of directors from time to time shall determine whether and to what extent and at what times and places and under what conditions and regulations the accounts and books of the corporation, or any of them, shall be open to the inspection of the stockholders, and no stockholder shall have any right of inspecting any account or book or document of the corporation,

except as conferred by statute or authorized by the board of directors or by a resolution of the stockholders.

The board of directors shall have power to make and to alter by-laws, but without prejudice to the power of the stockholders in general meeting to alter or repeal the same.

The corporation in its by-laws may prescribe the number necessary to constitute a quorum of the board of directors, which number, unless otherwise required by law, may be less than a majority of the whole number.

The board of directors, without any assent or vote of stockholders, shall have power to create, issue, and sell bonds of the corporation, and to authorize and cause to be executed mortgage and liens upon the real property and the personal property, concessions, and franchises of the company (acquired and to be acquired) to secure the payment of the principal and interest of any such bonds, and also to determine the amount of such bond issue or issues, the rate of interest upon such bonds, and the conditions and price of issue, the holders of all the stock of the corporation at any time outstanding hereby expressly consenting to and approving of any and all bonds and mortgages so authorized; but in the event of the acquisition of the canal of the Compagnie Nouvelle du Canal de Panama there shall be accorded to the shareholders and bondholders of the Compagnie Universelle du Canal Interocéanique de Panama in Liquidation a right of preference to subscribe for one-half in amount of such bonds whenever offered for sale.

In witness whereof we have hereunto set our hands and seals the 27th day of December, 1899.

WILLIAM P. CHAPMAN, JR. [L. S.]  
HENRY W. CLARK. [L. S.]  
FRANCIS D. POLLAK. [L. S.]

Signed, sealed, and delivered in the presence of—

WM. NELSON CROMWELL.  
FRANCIS LYDSE STETSON.

STATE OF NEW YORK, County of New York, ss:

Be it remembered that on this 27th day of December, 1899, before the undersigned, a duly authorized commissioner of deeds for the State of New Jersey in and for the State and county aforesaid, personally appeared William P. Chapman, Jr., Henry W. Clark, and Francis D. Pollak, who I am satisfied are the persons named in and who executed the foregoing certificate of incorporation, and I having first made known to them the contents thereof, they did acknowledge that they signed, sealed, and delivered the same as their voluntary act and deed.

In witness whereof I have hereunto set my hand and affixed my official seal as such commissioner for New Jersey on the date aforesaid.

[SEAL.] CHARLES EDGAR MILLS,  
Commissioner of Deeds for the State of New Jersey in New York.

#### THE INTEROCEANIC CANAL COMPANY.

This is to certify that the undersigned do hereby associate themselves into a corporation under and by virtue of the provisions of an act of the legislature of the State of New Jersey entitled "An act concerning corporations" (revision of 1896) and the several supplements thereto and acts amendatory thereof, and do severally agree to take the number of shares of capital stock set opposite their respective names:

First. The name of the corporation is the Interoceanic Canal Company.

Second. The location of its principal office in the State of New Jersey is at No. 83 Montgomery street, in the city of Jersey City, county of Hudson. Said office is to be registered with the New Jersey Title Guarantee and Trust Company. The name of the agent therein and in charge thereof, upon whom process against this corporation may be served, is "The New Jersey Title Guarantee and Trust Company."

Third. The objects for which this corporation is formed are:

To survey, locate, excavate, construct, enlarge, extend, use, maintain, own, and operate a maritime canal and its accessories between the Atlantic and Pacific oceans, through the territory of Nicaragua or any other territory in Central or South America.

To acquire the concessions granted, or heretofore granted, by any government for the construction and operation of a maritime canal and its accessories between the Atlantic and Pacific oceans in Central or South America; and the corporation shall have all the rights, prerogatives, and powers necessary to fulfill the duties and obligations imposed, and to enjoy the privileges conferred upon it by such concessions; and the corporation shall have the power to formulate rules and regulations for the construction, management, care, protection, improvement, use, and operation of the canal and its accessories and appurtenances and for the collection of its tolls, and may modify such rules and regulations at its discretion.

To survey, locate, construct, purchase, lease, maintain, own, and operate roads, railways with any motive power for the carriage of passengers and freight, navigation lines by boats or steamers and any other means of transportation, and telegraph, cable, and telephone lines, in such place or places as the company may deem necessary or convenient for the construction and surveys of the canal and its appurtenances, and for the more advantageous maintenance and operation thereof.

To acquire, hold, deal with, and dispose of to the company may seem proper all spaces of lands and waters that may be necessary or convenient for the construction, extension, enlargement, maintenance, repair, protection, use, and enjoyment of the canal and its accessories, including all spaces required for the deposit of materials from excavations and cuttings for the overflow arising from lakes, lagoons, and streams, and from dams in rivers, and from all deflections and rectifications of streams, and for ports and extensions thereof, and for docks, dikes, piers, basins, sluices, weirs, locks, guard gates, reservoirs, embankments, walls, and drainage and discharge channels, for lights, light-houses, beacons, buildings, storehouses, machine shops, hospitals, shipyards, deposits of coal, wood, and materials, and including all lands traversed or submerged by overflow or by surplus waters, and for whatever purpose may be necessary or convenient; also to acquire, hold, colonize, deal with and dispose of, all lands and rights in land and real property which it may from time to time acquire.

To levy and collect transit, navigation, tonnage, light, light-house, anchorage and port dues, towage, lighterage, storage, wharfage, pilotage, hospital, quarantine, and all other similar charges, from steamers, ships, vessels, and boats of all kinds, and from passengers, merchandise, and cargo of all kinds, for which purpose the corporation may at its pleasure establish and modify its tariffs.

To have and exercise all the rights and privileges enjoyed by mining enterprises, lumber companies, manufacturing companies of all kinds, importing and exporting companies, and in general all mercantile companies; and also to have and exercise all the rights and privileges enjoyed by enterprises which have for their object the establishment of shipyards, dry docks, warehouse business, the purchase, storage, and sale of coal, the organization of express companies, agricultural pursuits, and fishing.

To buy and sell and otherwise deal in real estate.

To operate hotels and boarding houses and hospitals and stores for the sale of provisions, clothing, and every kind of merchandise.

To supply water from the canal and its appurtenances to persons, firms, or



corporations that may desire it for irrigation, supply of towns, motive power, or for any other purpose, and to fix and collect dues for these services.

To establish in countries foreign to the United States, and in accordance with terms of concessions granted by the governments of such countries, a police force duly organized for the protection of life and property and preservation of order along the route of the canal.

To survey, locate, construct, purchase, lease, maintain, own, and operate railways, telegraph, cable, and telephone lines, roads and lines of navigation by boats or steamers, and other means of transportation anywhere outside of the State of New Jersey.

To purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the shares of the capital stock or any bonds, securities, or evidences of indebtedness created by any other corporations of the State of New Jersey, or of any other State or foreign country, and while owner of said stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

To build, construct, and repair railroads, water, gas, or electric works, tunnels, bridges, viaducts, canals, hotels, wharves, piers, and any like works of internal improvement or public use or utility outside of the State of New Jersey.

To make and enter into contracts of every sort and kind with any individual, firm, association, corporation, private, public, or municipal, body politic, or with any government, national, State, Territorial, or colonial.

The corporation shall have power to conduct its business in all its branches in any State or country, or have one or more offices, and unlimitedly to hold, purchase, mortgage, and convey real and personal property in the State of New Jersey and in all other States and in all foreign countries.

Fourth. The total authorized capital stock of this corporation is \$100,000,000, divided into 1,000,000 shares of the par value of \$100 each.

Fifth. The names and post-office addresses of the incorporators, and the number of shares subscribed for by each, the aggregate of such subscriptions being the amount of capital stock with which the company will commence business, are as follows:

Name.	Post-office address.	Number of shares.
William B. Crowell	Jersey City, N. J.	10
Levi B. Gilchrist	do	10
James M. V. Rooney	do	10
James J. Traynor	do	10
George W. Bell	do	10
Charles P. Cadley	do	10
Richard D. Purcell	do	10

Sixth. The board of directors may by resolution provide that any government upon becoming and while continuing to be a stockholder in this corporation may have the right of naming one or more members of the board of directors of the corporation, which director or directors shall have all the rights, privileges, and powers conferred upon any director by this certificate of incorporation by the laws of the State of New Jersey, or by the by-laws of this corporation. The board of directors shall have power, without the assent or vote of the stockholders, to make, alter, amend, and repeal by-laws for the corporation, but the by-laws shall always provide for notice of the objects of any special meeting of stockholders, and the by-laws shall require an annual meeting of the stockholders to be held at the principal office of the corporation in the State of New Jersey on the first Tuesday of May in each and every year, at 12 o'clock noon, and no change in the time of holding the said annual meeting of stockholders shall be made except by amendment made to said by-laws by the stockholders at any one of such annual meetings or at a special meeting called for such purpose upon notice to the stockholders at least fifteen days before day fixed by such by-laws for such a meeting.

The directors shall have power to fix the amount to be reserved as working capital, to authorize and cause to be executed to any amount bonds or other obligations of the corporation and mortgages and liens upon the property of the corporation or any part thereof, and whether then owned or afterwards acquired, and from time to time to sell, assign, transfer, or otherwise dispose of any or all of its property, but no sale of all its property shall be made except upon the vote of the holders of a majority of the stock. The board of directors from time to time shall determine whether and to what extent and at what time and places and under what conditions and regulations the accounts and books of the corporation or any of them shall be opened to the inspection of the stockholders, and no stockholder shall have any right of inspecting any account or book or document of the corporation except as conferred by statute or authorized by the board of directors or by a resolution of the stockholders.

The directors shall have power to hold their meetings, to have one or more offices, and to keep the books of the corporation (except the stock and transfer books) outside of the State of New Jersey and at such places as may from time to time be designated by them.

The number of directors of this corporation upon its organization shall be five, but thereafter the directors can increase or diminish the number by power of the provisions contained in the by-laws.

The directors shall be divided as equally as may be into three classes. The seats of directors of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year, and of the third class, at the expiration of the third year; so that one-third may be chosen every year.

The board of directors, by resolution passed by a majority of the whole board, may designate three or more directors to constitute an executive committee; to the extent provided in said resolution or in the by-laws of the corporation, shall have and may exercise the power of the board of directors in the management of the business and affairs of the corporation, and shall have power to authorize the seal of the corporation to be affixed to all papers which may require it.

The board of directors may in like manner designate one of their number to be a managing director, who may possess and exercise all such of the powers of the corporation as may be conferred upon him by the said board by resolution or by the by-laws of the company.

Seventh. The period of existence of this corporation is to be perpetual. In witness whereof we have hereunto set our hands and seals this 31st day of March, A. D. 1900.

WILLIAM B. CROWELL. [L. S.]  
LEVI B. GILCHRIST. [L. S.]  
JAMES M. V. ROONEY. [L. S.]  
JAMES J. TRAYNOR. [L. S.]  
GEORGE W. BELL. [L. S.]  
CHARLES P. CADLEY. [L. S.]  
R. D. PURCELL. [L. S.]

Signed, sealed, and delivered in the presence of—  
JOSEPH GARRISON.

STATE OF NEW YORK, City and County of New York, ss:

Be it remembered, That on the 31st day of March, A. D. 1900, before me, a master in chancery of New Jersey, personally appeared William B. Crowell, Levi B. Gilchrist, James M. V. Rooney, James J. Traynor, George W. Bell, Charles P. Cadley, Richard D. Purcell, who I am satisfied are the persons named in and who executed the foregoing certificate, and, I having first made known to them the contents thereof, they did each acknowledge that they signed, sealed, and delivered the same as their voluntary act and deed.

JOSEPH GARRISON,  
Master in Chancery of New Jersey.

Mr. President, a more startling proposition was never submitted to the Senate of the United States nor one that demanded its more immediate and active consideration.

It may be asked, Do I expect to delay action upon the House bill for the construction of a canal until a report comes in from this committee as to what these marauders are doing upon the Isthmus of Panama? I do not, Mr. President. On the contrary, the object of this inquiry and investigation will be to enable the President of the United States to check, to escape from, to counteract, and to destroy this conspiracy against the highest rights that the Government and the people of the United States possess.

If this bill had already passed through the Senate, as it has passed through the House of Representatives, this investigation would be absolutely indispensable for the purpose of protecting the President of the United States against this dangerous combination, founded in fraud, in presumption, and in arrogance, and asserted in the manner I have just shown by reading some few extracts from the papers that they have officially laid before the President of the United States.

In deference to the request of the Senator from Colorado [Mr. WOLCOTT], without having explained this subject to my own satisfaction at all, but having invited the attention of the Senate to the matter, which I will put sufficiently in the RECORD to enable Senators to fully comprehend it, I now yield the floor and ask the reference of the resolution.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Alabama will be referred, under the law, to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### ADDITIONAL CLERKS IN PENSION BUREAU.

Mr. SCOTT submitted the following resolution; which was referred to the Committee on Pensions:

*Resolved*, That the Secretary of the Interior is hereby directed to inform the Senate what number, approximately, of additional clerks will be required to adjudicate the applications for original pensions now on file in the Bureau of Pensions at a date not later than the 1st day of October next.

#### HOUSE BILL REFERRED.

The bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made, was read twice by its title, and referred to the Committee on Commerce.

#### DISTRICT OF COLUMBIA GUARANTY COMPANIES.

Mr. GALLINGER. I move that the bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia be taken from the Calendar and recommitted to the Committee on the District of Columbia.

The motion was agreed to.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ERMEN- TROUT.

Mr. PENROSE. I desire to give notice that on Friday, May 25, at 4 o'clock in the afternoon, I will submit resolutions on the death of Hon. DANIEL ERMEN-  
TROUT, late a Representative from the State of Pennsylvania.

#### AMERICAN NATIONAL RED CROSS.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes.

Mr. MONEY. I move that the Senate nonconcur in the amendments of the House of Representatives, and ask for a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MONEY, Mr. LODGE, and Mr. CLARK were appointed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has given notice of his intention to address the Senate this morning upon the Philippine question. I desire to give notice that at the conclusion of his remarks I shall ask the Senate to further consider the Post-Office appropriation bill.

#### COURTS AT SUPERIOR, WIS.

Mr. McCUMBER obtained the floor.

Mr. SPOONER. Will the Senator yield to me for a moment? Mr. McCUMBER. Certainly.



Mr. SPOONER. I thank the Senator from North Dakota. I ask unanimous consent for the present consideration of the bill (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the bill named by him.

Mr. WOLCOTT. I make no objection to that bill, but I give notice that I shall object to any other bills.

Mr. SPOONER. This bill was reported substantially by the Judiciary Committee and was passed by the Senate. I wish to move an amendment to it.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. I move to amend by striking out the proviso beginning in line 1 on page 2, section 2, of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, page 2, line 1, after the word "district," it is proposed to strike out:

*Provided, That the county in which said courts are to be held shall furnish suitable rooms and accommodations for the holding thereof free of expense to the Government of the United States.*

The amendment was agreed to.

Mr. SPOONER. I move to further amend by adding what I send to the desk to stand as section 3, which will make the bill substantially the same as the bill passed by the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add as section 3 the following:

SEC. 3. That the Attorney-General is hereby authorized to rent such room or rooms in said city as may be necessary or convenient for holding terms of said court by the provisions hereof authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### POLICY REGARDING THE PHILIPPINES.

Mr. McCUMBER. Mr. President, I ask for the reading of Senate joint resolution No. 52.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution, which will be read.

The Secretary read the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands, as follows:

*Resolved, etc., That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.*

Mr. McCUMBER. Mr. President, so exhaustive have been the debates and discussions upon this floor and in the press of the country pertaining to the financial and commercial benefits to be obtained by holding and governing the Philippine Islands as American territory that it seems to me to be wholly unnecessary to prolong the discussion upon that important feature of the still more important subject.

So broad has been the scope of inquiry, so varied and complex the arguments, however, that the casual reader of all these debates must necessarily have lost sight, at least to some extent, of the simple, the main question with which the country is to-day confronted.

The leading features, it seems to me, have to some extent been obscured in the great maze of presented facts and claims and statements and by obscure and somewhat technical legal propositions. I wish, therefore, to restate and in a few words consider this subject as I believe it presents itself to the great majority of the people of this country, in the condition it presents itself at this moment, and as a living issue of the year 1900, not as it might have been viewed on or before May 1, 1898, or even prior to the ratification of our treaty with Spain.

As a matter of justice, however, I wish to say right here that I am not prepared to coincide with many of those who believe with me in holding those advantages which the chances of war or the solemn treaty of this nation have placed in our hands to lay upon the heads of the most ardent opponents the blood of all our soldiers killed in battle, nor upon their shoulders the entire responsibility for the continuance of this war; and even if I believed it was prolonged because of their utterances, I could not but say that it had better be continued one hundred years than that to be expedited at the expense of absolute freedom of speech—of the denial of the sacred right to express an honest opinion or conviction, springing from patriotic motives, no matter how erroneous.

But, in acknowledging the patriotic motives of those who have

so ardently and strenuously opposed the course of the Administration in relation to the Philippine Islands, I do not wish to be regarded as countenancing the very few covert attacks, made from behind a painted shield, labeled "patriotism." It has been a source of great gratification and no little pride to me to know and feel that there has been in the great array of talent displayed on opposite sides, and in support of opposite views, concerning the advisability of entering upon this new course of extraterritorial expansion such high patriotic motives. In some very few instances, however, it has seemed to me that too airy has been the gauze thrown around the demon of venom to cover or hide his hideous distorted form, much less to transform him into a goddess of human liberty.

In taking up this argument, which should have for its single object the determination of what course or which of the few courses open to discussion should be pursued by our Government in relation to the territory acquired by treaty from Spain, we should proceed from some point on which all reasonable persons are agreed, or at least where no disagreement based on good, substantial reason can properly find place.

The question of what might have been said or done prior to the treaty made with Spain seems to me not to be pertinent at this time. The constitutional right to receive and hold these islands has been determined by this body in the solemn ratification of our treaty. If the action of this court is without authority under the Constitution of the United States, there is a clear remedy. The failure to invoke that remedy is an acknowledgment of the right.

There is but one principal question to be considered. What is to be done with these islands—retain and govern them or turn them over a prey to other powers or their own internal conflicts? In deciding this question we are confronted with but two others: First, is this retention for the best interests of our own country? Second, is it for the best interests of the Philippine people? And as by the very law of nature, neither wrong nor injustice can be for the real interest of any people, right and justice must be included in the word "interest."

That it is for our financial and commercial welfare not the most ardent opponent of the Administration will deny. That our commercial interest demands their retention, that our naval interest demands their retention, must be admitted. That the financial benefits to be derived in the near future are beyond calculation must also be admitted. When I realize that in two years, from 1897 to 1899, our exports to the Philippine Islands alone increased from \$69,400 in the former year to \$1,663,000 in the latter, an increase of over 240 per cent; when I note the proximity of these islands to the shore of the most densely populated region on earth, with its capability of absorbing many times over the vast surplus of manufactured and agricultural products of the world, its people now being environed on all sides with the influence of the present century, awakening to its demands in food and raiment, so that the value of our future commercial relations can with almost mathematical accuracy be measured not by millions, but by hundreds of millions of dollars; when I realize that in our new possessions we have planted ourselves at the very gateway of this commerce, and are in position to demand of the world that the door of entrance thereto be swung wide open and all our treaty rights respected; as I look over the mighty expanse of the Orient, that inexhaustible field which for thousands of years has furnished the riches of the great commercial nations of the world; as I view the stupendous efforts that are being made by the great manufacturing and commercial nations to extend their sphere of influence and to gain control over that country and over its commerce; as I look upon the great and growing surplus in our own manufactured and agricultural products, ever demanding an increasing and widening market; as I view the enormous energies that are displayed in the great nations of the world to-day for commercial supremacy, I can not but feel that he who would throw aside this wonderful opportunity of the present time must surrender all claims to far-seeing statesmanship.

Turning now to the next question that confronts the American people: Is the retention of the islands for the benefit of the Filipino people themselves? Speaking again from a purely commercial and financial standpoint, I can conceive of no benefit that may be derived by us that will not also be shared in by them. Our interest will depend, in a direct way at least, upon the development of their great internal resources, and that development, with its concurrent commerce, can not but be of inestimable value to them, not only financially, but because it carries with it a higher, a broader, and a better civilization. Both propositions—that it is for our financial and commercial benefit and that it is also equally for the like benefit of the Filipino people—must be answered in the affirmative. But admitting all of this, the opponents of American expansion challenge the righteousness of our course, and if their contention is correct, if our course or contemplated course is wrong or unjust or without the pale of strict honor and integrity, then no matter what may be the financial and commercial benefits to be derived therefrom duty would demand that we desist.



But I maintain, Mr. President, that the attitude of this Government toward the Filipino people is not only honorable and honest, but it is just and generous beyond measure; and upon this I am willing to meet the opponents of the Administration fairly and squarely. These islands are now in law and in fact territory belonging to the United States, and to a certain extent at least part and parcel of ourselves, as much so as Alaska, Porto Rico, the Hawaiian Islands, or any other of the territory acquired by us by treaty or by purchase. To be sure, we can eliminate them from our jurisdiction; we can release them from our sovereignty; but to-day they are American territory, and right here must be the starting point of our argument.

Now, it is claimed that some of these people—and I do not know how many of them—wish to be separated from the United States. This is an important question, one that affects not only the present generation—the present people of those islands—but one which will have its influence upon them in all the ages yet to come. It is an important question, one that requires not the exercise of mere sentimentality, but one that requires our practical judgment, supplemented and supported by the best impulses of our patriotism.

It is a question whether that which they seek—and how many are seeking it I am not prepared to say—would in reality be for their true interest, would be a blessing or a curse. Some one must answer that question. Who is to be the judge whether separation from us would in reality be for the best interests of the Filipino people? Who is the better qualified to pass upon the subject, the most enlightened, the most progressive, the most liberty-loving people on the face of the earth, or a band of misguided and misinformed people of a half civilization? Which is the better qualified, I say, to pass upon that subject? Let your own conscientious judgment and patriotic hearts answer that question.

In 1861 we refused to allow a highly intelligent portion of our own people to decide that question according to their view. In 1900 we are asked to allow the most ignorant of our population to determine it for themselves. Why this inconsistency? What logical reason can there be given for refusing to allow a highly intelligent people—as intelligent a people as the world possessed—to determine that our sovereignty over them was not for their interest, were we at this time to admit that a people having no knowledge of our free institutions could determine that their interest demanded separation?

Mr. President, there seems to be a contention here on the part of the most radical opponents of our foreign policy in relation to the Filipinos that these people are to-day, now, in their present condition, entitled to absolute independence and the right to work out their own destiny. And they say that we commit a wrong, a most heinous wrong, in denying them this privilege. That depends entirely upon whether that deprivation will in reality be for the best interests of these people or whether it will be an injury to them. As an enlightened, as an experienced nation, we know well what qualities are absolutely necessary for the foundation of self-government.

We know also what inherent tendencies, if unrestrained and unbridled, will necessarily lead to the subversion of the very principles of self-government, of the very life of liberty. We say that these people have not yet sufficiently advanced in the scale of civilization where they are capable of determining with any degree of accuracy the true line between liberty and license, and therefore we do not approach them, as was suggested by the senior Senator from Massachusetts [Mr. HOAR], as a young giant in the strength of his manhood, to stifle the longing after liberty in the breast of this child of freedom, but as a father, well knowing the direful conditions which will result from these unrestrained passions and desires, forcibly yet kindly seeks to guide the nobler qualities into channels of usefulness and utility while he checks each wayward step.

But we are met in this debate with the assertion—and this is an important matter—that we cannot, consistently with our theory of government and the inherent right of man, govern these people without their consent; and to sustain this contention we have held up before us that clause in the Declaration of Independence which declares that governments are instituted among men, deriving their just powers from the consent of the governed, and that therefore, without the consent of these people, we can not either justly or legally exercise any governmental control over them. But the construction which these persons place upon that clause of the Declaration of Independence would destroy any government. It so happens, however, that these words have already in the life of our nation been construed, and such construction has become by precedent the law and policy of the land. We have exercised that control without the consent of the governed in one form or another over all the Territories carved out of our vast domain. We have made war upon a weaker nation and taken from her a portion of her own territory, possibly with the consent of the people of the portion taken, but certainly not with the consent of the other portion thereof; and if Senators seek to justify this

narrow, literal construction with the claim or assertion that we exercised our control over the portion in dispute between Texas and Mexico with the consent of those people alone, and thereby admit the right of a minor portion to consent to estrange themselves from the major portion thereof without the consent of the latter, by the same law of logic must they also admit the right of the rebellion, for none can deny that the government of the Southern Confederacy had the full consent of the people governed thereby. That same narrow, literal construction which you ask us to adopt to-day was adopted by the people of the Southern States when they withdrew themselves from our sovereignty. We denied their interpretation, repudiated their claim, and to sustain our contention for four years we lavishly poured out the blood and treasure of the nation in support of a just, true, and intelligent interpretation.

Mr. MASON. If it would not interrupt the Senator from North Dakota, I should like to ask him if he does not see a marked difference between the withdrawal of the people of the South, who had entered into a solemn contract to keep our flag in the sky, and to whom we said, "You have made this contract and you must keep it," and a people 9,000 miles away, who never have sworn allegiance to the flag and have entered into no contract, mutual or otherwise?

Mr. McCUMBER. I will say to the Senator that was a debatable question, and those people who withdrew from our sovereignty at that time believed, and honestly believed, that they had a legal right so to do. So it resolved itself again simply into a question of the matter of the consent of one people to be governed or to govern themselves.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Did it not resolve itself into a question of who was the stronger, and were not the Southern States conquered by force, rather than by any return otherwise to the Government?

Mr. McCUMBER. Oh, yes; that will be admitted.

Mr. TILLMAN. Is there no difference between the original compact of the Union under which this Government was founded and the purchase of 10,000,000 people from Spain without their consent?

Mr. McCUMBER. Yes, sir; that portion of the question, I will say to the Senator, has been argued to such an extent upon this floor that I desired, in my argument, to avoid those things that had already, in my estimation, been fully discussed, and that is my reason for not replying to that.

Mr. TILLMAN. If the Senator would not illustrate his contention by allusions to those things that he says are acknowledged by common consent, nobody would interrupt him at all, but when he seeks to fortify his present position by such allusions we are compelled to dissent from the conclusion he draws.

Mr. McCUMBER. I do not object to interruptions at all, and if I had time to complete the argument without taking up any time that belongs to other Senators I would answer the Senator on that proposition. I wish to say here that we claimed—here was the crucial test—that the right of dissent or consent was not merely capricious or chimerical, but must be *justly, rightly, and intelligently* exercised. That is now the policy and law of the country and the construction of those words by this Government, written in the very heart's blood of the nation itself. We said to the Southern people, "Your want of consent is not rightly, is not intelligently, is not justly exercised. We know our own just and generous intentions toward you. We know that you are in error, and we alone, confident that our sovereignty over you ever will mean liberty, justice, and progress, must determine this question for ourselves and not leave it to your biased judgment." And the great majority of these same people who, without their consent, were forced to yield to our laws, forced to return to our sovereignty, forced to come back to the arms that in fact and in reality ever would shield and guard their real and their true interests, now almost without exception proclaim the righteousness of our course, the error of their own in that great conflict.

Mr. TILLMAN. Mr. President—

Mr. McCUMBER. Just a moment. Let me finish my sentence.

With tenfold ardor will the people of the Philippine Islands applaud this exercise of our best judgment, supported by the best impulses of the great sympathetic American heart for their real interest, when they once come to fully understand and comprehend its true meaning.

Mr. TILLMAN. With the Senator's permission, I will say that the feeling in the South is that the inevitable settlement of the question of secession by the war is no longer one that need be discussed and that it is fruitless even to think about what might have happened; but if he considers for a moment that 10 per cent of the Southern people who fought in the Confederate army, or their descendants, rejoice at the defeat of the Southern Confederacy, he is woefully mistaken in the feeling and the sentiment of that



people. We realize that we belong to the Union, and we are willing to do our duty under the flag, as we have shown in the Spanish war. We are proud of our common country, and love it, but there are not 5 per cent of the Southern Confederates willing to consent now that we were wrong or that we are happy because of our defeat.

Mr. WOLCOTT. I should like to ask the Senator from South Carolina if it be true that 95 per cent of the Southern people wish now that the Southern Confederacy had triumphed?

Mr. TILLMAN. If you mean the whites—

Mr. WOLCOTT. Yes.

Mr. TILLMAN. Possibly 95 per cent might be a little too great.

Mr. WOLCOTT. Ninety per cent?

Mr. McCUMBER. While I did not desire to evoke debate upon this question, I can simply answer the Senator from South Carolina thus: I want to say that I believe that not only 10 per cent, but that 99 per cent are proud to-day that they are American citizens and are in hearty sympathy with the old flag. I believe that that is the feeling to-day all over the United States, without going into the question whether or not there may not be still some wound left.

Mr. TILLMAN. If the Senator will not undertake to speak about the past and will confine himself to our opinions of the future and our willingness now to do our full duty to the Union, and not drag up these questions, open old wounds, and undertake to say things that are not so, as I know they are not so, I will not endeavor in any way to interrupt him or to combat his opinion.

Mr. McCUMBER. The Senator is welcome to interrupt me as often as he desires.

Mr. SPOONER. Is not the Senator from South Carolina trying to govern the Senator from North Dakota without his consent?

Mr. TILLMAN. Not at all. I am not trying to govern him without his consent, but I am asking him not to say things in regard to the Southern people that I know are not so.

Mr. McCUMBER. I exemplified my position by referring to our own history to determine what construction upon this clause in the Declaration of Independence had been adopted by this country. I stand upon that proposition, and I think that most Senators will agree with me.

Mr. BUTLER. Will the Senator from North Dakota yield to me?

Mr. McCUMBER. Certainly.

Mr. BUTLER. I was not in the Chamber and do not know what the Senator from North Dakota said which provoked the Senator from South Carolina to say that the Senator was making statements that forced men from the South to come to their feet to protest against them, but I simply rise, as one representative from the South, to say that I do not believe that the people of the South to-day wish that the Union were divided—

Mr. McCUMBER. I had rather that those two Senators would settle that between themselves.

Mr. BUTLER. And that we had two Governments, one of the North and one of the South. If I had been old enough, I would have been in the Confederate army, and I should have fought to the finish with my people; but I regard the war as a grievous mistake.

Mr. TILLMAN. All of us do that.

Mr. BUTLER. And that it is better for us in the South and for those in the North and for the whole nation that it was not divided. That, I think, is the sentiment of the Southern people. But at the same time there is not a single man in the South, so far as I know, who regrets the part he took when forced to take up arms or who will ever apologize for it.

Mr. CAFFERY. Will the Senator permit me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. CAFFERY. I will ask the Senator whether the contention between the North and the South as to the right of secession was not confined to one point, as to how the Government was formed, and not as to the principles of that Government? Both sides contended for free government, the South contending that the Federal Union was the result of a compact between several States and the North that it was resultant from the universal expression of opinion and desire upon the part of the whole American people, considered as a political unit. When the war determined that contention in favor of the North, that question was settled by the sword and can not be reopened, and therefore there is no good parallel between the case of the South and the case of the Philippines.

Mr. McCUMBER. In answering the Senator—

Mr. WOLCOTT. Will the Senator from North Dakota permit me to ask the Senator from Louisiana, if he cares to answer it, as he sits next to the Senator from South Carolina, whether he shares the view that 95 per cent of the white people of the South regret that the Union was not divided?

Mr. CAFFERY. I do not share that opinion.

Mr. McCUMBER. I will now answer the Senator from Loui-

siana. The view of the Senator is correct so far as it goes, but not only was that the fundamental question at that time, but in addition thereto was this other question, of a right of a portion of the Government to withdraw, if it saw fit, under that clause of the Declaration of Independence upon which we justified ourselves in withdrawing from the mother country.

Mr. CAFFERY. I will trespass upon the Senator from North Dakota for another question. That is, whether, after the war of the States was over, the Southern States did not form immediately governments of their own choice and a constitution of their own choice, and therefore there was no question of the interposition of a foreign government? In that respect the parallel he seeks to draw between the South and the Philippine Islands is not well taken.

Mr. McCUMBER. I do not understand its application, however, to the argument I was making.

Mr. TILLMAN. If the Senator will kindly permit me, I should like to clarify, if there is any misunderstanding in the minds of Senators, what I intended to say and what I meant. I never dodge any issue.

Mr. McCUMBER. I yield.

Mr. TILLMAN. The Senator was endeavoring to draw a parallel between the conquest of the South in the war of secession and the conquest of the Philippines, now that we have bought them.

Mr. McCUMBER. Let me correct the Senator right here. That is not the parallel drawn at all.

Mr. TILLMAN. As I understood the Senator, he was endeavoring to fortify his position in opposition to the theory that governments derive their just powers from the consent of the governed by illustrating that the Southern Confederacy had the consent of the governed there, but that the Northern States did not consider that that point was well taken, and they proceeded therefore to drive the South back into the Union at the point of the bayonet. Then he went on to say that the Southern people to-day were glad of that thing.

Now, he is asking too much, after the three hundred and fifty or four hundred thousand men who gave their lives to the cause and the destruction of all our property in that issue, that this generation, with a large percentage of the population there old Confederate soldiers and their descendants, shall acknowledge any such thing. It is not true; and I could not sit here quiet and have the Senator make that argument because of the condition in this country by which the two sections were brought together to preserve the Union.

As I said, we now acknowledge that we are in the Union, and we have some rights here, and the regrets of the past are slowly dying out; but the Senator can not put us in a false attitude, as descendants of Confederate soldiers, of being glad those soldiers were whipped. There is no parallel between the Philippines and the conquest of the South, which you might say had a compact which the Northern States thought they were bound to enforce. There is no compact between the United States and the Philippine Islanders, and we are subjugating those people solely from motives of greed and aggrandizement, with no holy or righteous purpose behind it.

Mr. McCUMBER. I think I have yielded sufficiently to the Senator from South Carolina.

Mr. TILLMAN. I am very sorry to have interrupted the Senator.

Mr. McCUMBER. Not at all.

Mr. TILLMAN. But I could not sit here quiet and let him contend—

Mr. WOLCOTT. I object to discussion from the seats.

Mr. McCUMBER. I will protect myself in all rights.

Mr. HOAR. May I ask the Senator from North Dakota a question?

Mr. McCUMBER. Will the Senator allow me to answer the Senator from South Carolina?

Mr. HOAR. I thought the Senator had finished.

Mr. McCUMBER. I simply say the Senator from South Carolina is begging the question. The proposition that I made does not correspond in any respect to the statement which he makes here, and I think it is mere idle waste of time to create a straw man merely for the purpose of knocking him down.

The proposition I made is not that any nation may not be sorrowful for the loss of life or for a condition that existed, but nevertheless I believe that the people of the United States are all happy in the thought to-day that they are one nation, and that the South as well as the North join in this. Now I yield to the Senator from Massachusetts.

Mr. HOAR. I was going to ask the Senator a question. Suppose South Carolina had refused to come into the Union when we formed the Constitution? Does the Senator think our fathers would have felt that they were justified in buying her of Great Britain? How does he distinguish between that and what we are doing now?



Mr. McCUMBER. The Senator from Massachusetts and myself differ upon the fundamental principle. I stated as a part of my argument in the very beginning, so that I could not be misunderstood upon this proposition, that the islands are now, in law and in fact, by treaty with Spain, the property of the United States, a part and parcel of ourselves. I did not wish to argue that question, because it is the constitutional question that has already been argued upon this floor. Once concede that they are a part of the territory of the United States, and then the question of their right to sever themselves from the United States is a question simply of the right to withdraw themselves from this country without the consent of the country itself.

Mr. HOAR. Mr. President, if the Senator will pardon me, I came in after he began; I did not hear the whole of his argument, but I understood that he was drawing some parallel or argument from the case of the subjugation of the persons in arms at the South against the Government in our civil war.

Mr. McCUMBER. Not at all.

Mr. HOAR. I wished therefore to put what seemed to me the exact case we are dealing with now. Does the Senator claim that if South Carolina had refused to come into the Union under the Constitution when we formed it in 1787 and 1789 we would have been justified in buying her of Great Britain?

Mr. LODGE. How could we buy her of Great Britain? She was not a part of Great Britain in 1787.

Mr. HOAR. The Philippine Islands were no part of Spain.

Mr. McCUMBER. There is where we differ on the fundamental principle.

Mr. HOAR. The question is whether we would have been justified in buying her from Great Britain and bringing her into the Union. South Carolina had thrown off Great Britain just as the Filipinos had thrown off Spain. Could we have bought it and reduced it to subjugation?

Mr. McCUMBER. First, I repudiate the suggestion made by the Senator that there was any subjugation in the war of the rebellion or that there is any subjugation in the present war in the Philippines. It is simply a question of holding the territory which I say, in law and in fact, to-day is American territory. Hence the point which the senior Senator from Massachusetts makes, it seems to me, is not applicable to the argument which I am making here.

Mr. TILLMAN. Mr. President, if the Senator will kindly permit me, I should like to ask him to define what a war of subjugation is. If it takes 400,000 lives, the services of two million and a half of men, and an expenditure of three billion of treasure to regain or incorporate back into the body from which it had cut itself loose a part of this country, is that a war of subjugation, or was it just a little picnic?

Mr. McCUMBER. The Senator knows as well as I do that a country never subjugates a part of itself; that subjugation must apply to something that has no connection with the Government. The Senator's own argument answers itself.

Mr. TILLMAN. Well, it is a question, you know, we will dispute about indefinitely, as to whether the contract originally made between the thirteen States was for a confederacy or a nation. It is not worth while to discuss that, because the sword has determined it. As to the parallel which the Senator is drawing now in regard to the Philippine Islands, in which he asserts that it is a part and parcel of this country, as much so as South Carolina is, some of us do not believe it, because at the time when the treaty was ratified Spain was not in possession of a foot of that territory except the city of Manila and the city of Iloilo, and the population of those islands had conquered the islands from the Spanish soldiers and held possession, and we simply bought an empty title.

Mr. McCUMBER. I know that is the claim of the Senator from South Carolina; but, as I said, that has been very thoroughly argued here, and it seems to me that the contrary has been well demonstrated. I do not desire to prolong the discussion upon that feature of the case.

Now, Mr. President, I can not agree with the opponents of the Administration that the character of the American people has so changed that we can no longer trust them to follow or maintain the grand traditions of the country. I can not agree with them that our banner stands for any different principle now than it has in all our past history; that it has a different meaning on one side of the ocean than on the other.

Though denied by the foes of the country, it meant for humanity and human liberty, when our soldiers fought beneath its folds, in the long years of the civil war. As history has justified its claim at that time, so just as surely will history justify the present just, honorable, and noble purpose of the President of this country toward these people.

What is that purpose? To grant them, and not only to grant them but to guarantee them, liberty and protection. You say they are entitled to liberty. If by that you mean self-government, and you certainly can mean nothing more—you can not mean

that they are entitled as a matter of right to anarchy—then we answer, we can give them self-government to the highest, fullest extent of their capabilities. We can give them the only true liberty, namely, the broadest exercise of individual right consistent with the equal rights of all others.

But we go further; we not only purpose to give them that liberty, but to guarantee it; and by what other method can that guaranty be maintained than by reserving to ourselves, the right—the supreme right—to shape and control.

As I have stated before, I think you must admit that these people have not yet reached that advanced state in the march of civilization where they are capable of understanding the true principles of self-government, the true reciprocal relations between the government and the governed.

We promise to guide their ship of state into the haven of human liberty. Can we, without violation of that promise, turn it over to a random crew who have not the slightest idea either of ship-craft or of the location of that harbor? If, as assumed by some, they are capable of self-government—and by that I mean a government capable of guaranteeing life, liberty, and property rights—it will not take long to find it out; and if it be demonstrated that they comprehend the true meaning of liberty and free institutions and have back of that comprehension the sturdy character of the great Germanic and Anglo-Saxon races, the foundation on which must ever rest the structure of free government, then I have confidence in my country that there will be accorded them ample opportunity in which to freely exercise the rights and privileges of an intelligent and liberty-loving people.

If, on the other hand, as we claim, they have not yet reached that degree of civilization requisite for proper self-government, that they are not yet capable of forming a government and conducting it in such manner that it will give to its people those rights of life, liberty, and property so sacredly guarded in all nations of Teutonic or Anglo-Saxon origin, but have within the germ from which all this may be evolved, then I want to say to the opponents of the Administration's policy that I know of no atmosphere more conducive to the growth of the tender flower of human liberty than that in which floats its holiest emblem, the banner of our own country. I know of no richer soil than that which has been baptized with the blood of freedom's sons. I know of no influence more potent for good, for right, for justice, for civilization than the practical administration by this great exponent of human rights, the only republic in spirit as well as in name, of its equal laws, conceived in equity and enforced with rigid justice and equality, in all the commercial and business relations of the country. Fifty years of such influence in these islands will produce more advancement, a greater civilization, than can be evolved by them in a thousand years if left a prey to other great powers and their own internal dissensions.

I have noticed, as a rule, that the pessimist always ignores every rule of logic in arriving at his direful conclusions. And the pessimistic objectors to American expansion are no exception to the rule. In one breath they talk of how up to the present time the people of this country have always in their character represented the greatest generosity, the broadest and noblest idea of humanity, of human liberty, and the inherent rights of mankind the world has ever known; they talk of the grandeur of the character of the founders of this Republic, of the people who rose in righteous indignation against the tyranny of monarchy; they tell us how this people, the descendants of those great fathers and the children of other climes, who, breathing the pure air of political and personal freedom, and becoming imbued and permeated with its spirit, have unto this day, maintained the sturdy, national character, that characteristic spirit of benevolence, of justice, to all people.

And then they tell us of the injustice, the crime, that will be committed by our country, by these same people, against the inhabitants of this island, of the greed and love of power, of empire, that is back of our intention; that these people, now amounting to about 80,000,000, born of such parents, have by some unknown, some unaccountable freak of nature suddenly become arrested in their moral development; that the great law of heredity has for the first time in the history of creation been violated by the Creator Himself; that the old, stanch, American spirit is suddenly found to be dead, and that a servile people lost to all the virtues of their ancestors, and all of their own, which existed up to December, 1898, that the people who in April, with hearts bursting in sympathy for human suffering, waged a war and gave their blood and treasure for humanity only, in December are waging a war for conquest only, and, like demons, are hunting down people for prey alone.

Mr. TILLMAN. Mr. President—

Mr. McCUMBER. And they proclaim that these people, now numbering about 80,000,000, will bow like slaves beneath the arm of a military power of 100,000 drawn from their own ranks and representing their own character, and that militarism will become the governing power of the nation.



Mr. TILLMAN. Mr. President—

Mr. McCUMBER. I will yield to the Senator in a very short time when I will be through.

That the people whose ancestors, against fearful odds, with an almost superhuman energy, so strong were their convictions of right, threw off the yoke of monarchy of their own accord are now ready to embrace again this galling burden.

The PRESIDING OFFICER. The Senator will suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. McCUMBER. I am speaking on the same subject, and I will proceed.

Mr. President, do not these opponents know that such a suddenly changed condition would be as impossible as that the rose should bear a thistle or the acorn a willow?

Never in the history of the world has a people worthy of liberty lost their freedom through the acts of their own government. It has been only when corruption, effeminacy, and lack of manly virtue, through long years of accumulation, had become the dominant character of a people that it became possible to trample on their rights.

It was only when they had become servile and cowardly by nature that their standing armies became their masters rather than their servants. I emphatically deny that any such condition, or even the germ of it, exists in our country.

Assert that the standard of patriotism, of honor, of integrity, and justice is just as strong to-day as ever in our history, and upon that foundation of American character I believe I can safely build my hopes for a glorious outcome of every advanced step in our national life, including our territorial expansion.

I have a right, therefore, to present these direct questions to the opponents of our Philippine policy. Have you not faith in the honor of your country? Do you believe that its sovereignty over any people on earth will be a detriment to that people? Do you not believe that a better civilization will be developed in those islands under American control than under any other possible conditions? Have you still faith in the sense of justice of the American people; and if you have, can not you trust to the future, trust your own people, your own country, to do that which is right and just and honorable by these people, as a closer acquaintance with their needs and conditions shall show proper?

If you lack this faith, if you believe that we have degenerated to such a degree that we can not be trusted—if that is your fear, then by that spirit of sincerity which should govern every argument, by the soul of honesty which should influence every reason, you should tell the American people of their sad divergence from the path of political honor and rectitude, that they may with introspective view appreciate the sudden abortion of their moral faculties. If you do not believe this, if you do not lack faith in the people, then trust them in this matter as in all others.

If the time ever comes when right, justice, interest, or humanity requires that we should release our control, I have confidence in my country to do that which is absolute justice.

Believing myself that the great majority of the American people feel that our country can be trusted in all questions of moral duty and right, I am willing to test their faith in a vote of confidence on this question in the coming campaign.

Mr. WOLCOTT and Mr. TILLMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WOLCOTT. I ask that the Philippine bill be temporarily laid aside and that the Senate proceed to the consideration of the Post-Office appropriation bill. The Senator from Illinois [Mr. MASON] had the floor when we adjourned.

The PRESIDING OFFICER. The Senator from Colorado asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the Post-Office appropriation bill. The Chair hears no objection.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, the pending question being on the amendment reported by the Committee on Post-Offices and Post-Roads, on page 17, after line 9, to insert:

For transportation of mail by pneumatic tube, or other similar devices, by purchase or otherwise, \$725,000.

Mr. WOLCOTT. The Senator from Illinois [Mr. MASON] was proceeding with his remarks yesterday.

Mr. MASON. Mr. President—

Mr. CLAY. Will the Senator from Illinois permit me to offer an amendment to the bill?

Mr. WOLCOTT. I suggest to my colleague on the committee

that other amendments will be in order after the committee amendments are disposed of, and the Senate is now considering a committee amendment.

Mr. CLAY. That is all right; that course is entirely satisfactory.

Mr. WOLCOTT. The time for the introduction of amendments will come after the committee amendments are disposed of. It is the last committee amendment that we are now considering.

Mr. MASON. Mr. President, I shall take but a few moments at this hour, unless something is presented that may require a reply. I want to call the attention of Senators briefly to the statement made by the Second Assistant Postmaster-General, Mr. Shallenberger, in charge of this branch of the service. He was speaking upon the question of increasing the revenues of the Government by increasing the special-delivery service. He said:

What I mean to say is this: We can increase indefinitely the special-delivery service, and have in addition to it all of the Western Union and Postal Telegraph delivery service, if we put ourselves in a proper condition to do it. If we have these tubes connecting the various stations with the central office—

I ought to say right here that in New York one of the difficulties is that there are nine offices between the post-office and the Forty-second street station, and tubes are connected, I think, with but three out of the nine—

If we have these tubes—

Says the Second Assistant Postmaster-General—

If we have these tubes connecting the various stations with the central office, and have our delivery boys as now, who are very anxious to take, at 8 cents apiece, these letters, soon, with three or four times the number of letters, they would be very glad to take them at half the cost, and instead of 8 cents they would be glad to take them at 4 cents. So, indefinitely we can increase the use of our pneumatic-tube service and increase the delivery of special-delivery letters, on which the business of the Post-Office Department is extremely profitable, as we can do it in no other way; and, as I have said, business men have reached the point when the expenditure of money to secure a certain result is not considered. The results are what they are after.

I read further:

The entire country—

I beg that Senators will hear what the Second Assistant Postmaster-General has to say upon this subject. It has been claimed here that only the cities will get the benefit of this service. The Postmaster-General shows conclusively how it is a benefit to everyone and to every community—

The entire country is interested in the expedition of mail. It has been said that if we can only save twenty minutes, for instance, in reaching the central office after the arrival of the train, we have simply saved twenty minutes of time. It is not so. In my judgment, mails coming into the Grand Central station, and arriving there just in time to be sent through the pneumatic tube in seven minutes to the central office, reach there for the first delivery of the mail. That first delivery of the mail gets to the banks in time for the clearing house. The second delivery—two hours later—does not reach in time for the clearing house. It is laid aside and goes into the next day's clearances of all the great banks of the city. One day's interest is lost to every bank in the country sending those remittances.

Now, the same is true with reference to the mail which is dispatched from the city. If mail can be made up half an hour later from the central office and sent to the Grand Central station, 3½ miles away, and make that fast train to Chicago, by the time it gets to St. Paul, St. Louis, or San Francisco a day's time has been saved; so all the business of the country has been expedited, and to that extent it is involved. So the local service, while it may be the revenue-paying part, is not the part in which the country at large is so much interested as it is in the very prompt delivery of mails received in a great city in the early morning hours and the prompt dispatch of that return mail in the late evening hours of the day. The entire country at large is interested in the correspondence that goes into and comes out of a great city, and 89 per cent of all the mail originating in the 175 first-class cities of this country goes on the railroads; 11 per cent of it only is local mail; so when we institute expedition of service we are serving the country at large in that proportion, 89 per cent of it going to the railroads for dispatch, as compared with the 11 per cent which is local mail and is handled by the electric-car and other service."

Mr. President, you can hardly conceive of the advantage. Suppose we save only twenty minutes. It is shown by the Postmaster-General (and the illustrations are familiar to every Senator) that in many of those cases you save a whole day. If it is going to an outgoing mail steamer, we have had illustrations here before the committee where they save two weeks. By just the loss of the last half an hour it will be two weeks before another steamer sails to some distant port in South America.

Then I want Senators to understand that when you save twenty minutes or forty minutes or a day it is not for one letter. As to the great pneumatic tube in Philadelphia, the postmaster testifies that 94 per cent of all the first-class mail that goes from his post-office to the station goes through that tube, and from twenty minutes to twenty-four hours are saved, not on one piece of mail, but five or six hundred thousand a day. You can not conceive of the amount of time saved, you can not conceive of the amount of benefit it is to the people who use these pneumatic tubes.

The Senator from Colorado [Mr. WOLCOTT] said: Oh, but we picked out 27 cities when this company that was to be benefited made the proposition, and that had some political bearing in this matter. Twenty-seven cities were selected for which this company—the Batcheller Company—offered to give service for \$2,500,000 a year, instead of \$25,000,000 a year, as the Senator said a year ago and repeated this year. Those 27 cities were selected by the



Post-Office Department, and contain each 100,000 people or in the neighborhood of 100,000 people.

The Senator called attention also to the fact that many of the postmasters had changed their minds. I spoke particularly of the Chicago postmaster. I talked with him about it when the matter was first discussed. He never was opposed to the underground system of carrying mail, because he saw the difficulty with crowded streets in times of processions, in times of storms. He saw the difficulty of taking the mail from the post-office to the depot.

But Mr. Gordon had another theory. He thought it was more important to have larger tubes, and it seemed to me at that time that he was right; but, as a matter of fact, it does not require large tubes to remove these letters. They are started the moment they drop in the post-office, and a small tube does the work. The idea was to have a tube large enough to carry a mail bag; but when it becomes necessary in the transportation of mails from one depot to another, you may take the city of Chicago as an illustration. Suppose half a car or a wagon load goes in on the Northwestern that is to be divided and sent on the Lake Shore and Michigan Southern, or half of it south. There would not be so great a saving in time in a large tube that would carry the mail across, because it all goes in bulk, and one wagonload would carry it to the different stations. The time may come when the crowded condition of the streets may make it necessary to separate the mail on a mail car and transport it underground through tubes in a sack from one train to another. Yet as a matter of fact ten or fifteen minutes are necessary to transfer the trains; and they can arrange the schedule so that the pneumatic tube will receive the letter the moment it is dropped into the post-office stations and is sent on its way to the station.

Does the Senator mean to suggest for a moment that the postmasters have some interest in this? They had a national convention here in Washington. They saw the workmanship of the tube. The convention was made up early in the present Administration, and there were many Democrats and many Republicans here in the postal convention. By unanimous vote the postmasters of this country approved this system. Can it be possible that the Senator would indicate that some improper influences were brought to bear upon the postmasters of this country? The truth of the matter is that this is a fight between progress and a step backward; it is a fight between the delivery of mail in four minutes and four hours; it is a fight in a certain way between civilization and progress and the men who are hauling the mails in wagons and making an immense amount of money out of it and who do not want to lose their contracts.

Yesterday I called the attention of the Senate to the statement of the postmaster at Philadelphia as to the saving in equipment alone. You understand that when the mail goes through the pneumatic tubes and lands at the station the bags are completely filled. Senators would be surprised to know that when the Government has to weigh the mail there is such a large percentage of the bags that are only partially filled that the weight of the equipments is nearly 60 per cent of the total weight of the mail. Since they have been using the pneumatic tubes, the Philadelphia postmaster states that they have saved \$11,000 in the matter of carrying the equipment alone, and the Brooklyn postmaster gives similar testimony.

As to the question where this extra money is to be used, Mr. Shallenberger, the Second Assistant Postmaster-General, in charge of this matter, says:

MR. SHALLENBERGER. There has been no estimate whatever as to the places in which this would finally be used. It was deemed best to leave it in the discretion of the Postmaster-General, and to expend it only after a very careful investigation to be made of the several propositions before us from the different cities. Those propositions have been allowed to lie on our desk untouched, for the reason that Congress has provided that no additional contract shall be made—no extension of the service shall be made—until specifically authorized by law, and hence, while these propositions have been accumulating, we have said to all who make a request for additional service, "We will be glad to have propositions come, but we will not consider any one of them, or make any investigation whatever—not any of them—until Congress is disposed to put in the hands of the Postmaster-General a fund."

So, Mr. President, in the cities where it is now used it is not yet in a state of perfection. They have not yet pipes enough. They have not tubing enough. In the city of Boston they are asking for additional funds, not necessarily, not wholly for the benefit of the additional service, but to make more useful the service they already have there.

I think I will take no further time of the Senate at present, unless something is said to require an answer. Before I sit down, however, I want to recapitulate.

We have shown here the marvelous decrease in the cost of producing these tubes. We have shown here the direct proposition from one company at least, who own a large number of patents, and who state they can manufacture and lay the tubing cheaper now than heretofore. We show a proposition from them to put it in 27 cities, containing in the neighborhood of 100,000 people each, at 10 per cent of the estimate named by the chairman of

the committee, who has proposed this committee amendment. The other members of the committee have given this matter considerable thought and attention as well as the chairman, and we believe that the Boston office ought to be perfected; that the New York, the Philadelphia, and the Brooklyn offices ought to be perfected, and you certainly can not improve this service if you are going to leave those cities exactly where they now are.

I submit to the Senate that we are not at the mercy of these corporations. We can say to them at the end of a year from the 1st of next month, when I understand all the contracts will have expired, when the corporation approaches the postmaster at Philadelphia and says, "We would like to carry your mail in pneumatic tubes"—the Postmaster-General can then say, as he does to the railroads, "We will give you this price, and it is a fair price." This Congress can not go into details and pass upon the question of price. We must trust the Postmaster-General in this as we do in many other things.

This additional appropriation will perfect the system in these cities, and it will give a small amount to the city of Chicago to start on its way in this service. The Postmaster-General has said—I do not know that it is in this report—the city of Chicago is the place best adapted for it on account of the ease with which pipes can be laid there and from the fact that the city is level and there is no difficult place to lay the pipes. I have no doubt the Postmaster-General will carry out his idea and give us a start in the city of Chicago. But if you stop, and leave it simply in the cities already under contract, I want to say that I am not opposed to providing for the service in the cities where it is already under contract, but I say you are simply standing in the way of advancement in the handling of the mail matter. There is no man connected with the Post-Office Department, there is no man who has ever seen the system in operation, so far as I know, who does not believe it ought to be had by the people of the country, and certainly by the city of Chicago, which is the second city of the United States. I think you ought to give us fair play and a fair deal. New York has it and will continue to have it. Brooklyn, which is only three or four minutes across the bridge, has it, and gets it without any trouble.

These companies have made two propositions. They made a proposition to allow the Government to take possession of their factory and to give the use of their patents absolutely free if they would construct it at the actual cost and give them 10 per cent, which is 5 per cent less than is allowed the people who have patents on the canceling machines.

There are other Senators who desire to be heard upon this matter, and so I will yield the floor now, reserving the right to speak again if necessary.

MR. SPOONER. Will the Senator permit me to ask him a question for information only?

MR. MASON. Certainly; I hope you will.

MR. SPOONER. I suppose this service must be confined to cities, of course. Has the committee considered the practicability of an additional charge by the Government for this service?

MR. MASON. I do not know. I never have, and I am on the committee. It is a matter that can be taken up when we once get the pipes down. The Government is alone to use them, and it will fix the price. I have no doubt that would be a very proper question; but it is not the theory of the United States Government to make extra charges for extra service, as is done in European countries. Of course for a special-delivery letter we charge 10 cents; but the carrier service is delivered at the same price as mail not sent by carriers. But I say the question has never been before the committee when I have been present of charging an extra few cents for the extra service. That, however, is a question that can be taken up hereafter.

I think very likely the Postmaster-General, who has given the matter thought, and men on the committee, who have given it thought, believe that the increase in business will more than pay the extra expense; and I beg Senators to remember, when they talk about decreasing the price of wagon service, that in the city of New York a wagon company had a contract, and the pneumatic-tube service, another company, has a contract. They are both anxious to keep their whole machines going. In the city of Philadelphia, where there is harmony between the post-office, the pneumatic-tube company, and the wagon company, the latest statement is that they intend to do the work. A witness before the committee said they were doing with six wagons now what it took eleven wagons before to do. The statement was that they would reduce them much below that. He states that 94 per cent of this class of mail goes from the post-office to the station through the tubes, and part of the other 5 or 6 per cent is sent largely in wagons between 12 o'clock at night and 2 o'clock in the morning.

MR. PLATT of Connecticut. May I ask the Senator a question?

MR. MASON. Certainly.

MR. PLATT of Connecticut. The chairman of the committee, in speaking of this proposition, alluded to the very great disparity



in the price paid for the service in different cities—very much more per mile in New York, perhaps, than in Boston and in Philadelphia. I do not remember the exact facts. Will the Senator give some explanation upon what the pay is based—the service, the cost, or the distance, or why it is that this difference exists?

Mr. MASON. I will answer the Senator's suggestion as well as I can. This is like all other devices in their infancy. For instance, we paid \$160 a ton for rails until we got to manufacturing them ourselves, and then we reduced the cost to eighteen or twenty dollars a ton, and that is exactly the case here. When they first laid the tubes in New York, I will say to the Senator, the company had to pay a premium for crossing in front of certain blocks. The city does not control the street rights. In one case the evidence shows the payment of a premium as high as \$3,000 for the privilege of passing along one block or part of a block so as to get the pipes down. Every one of the pipes laid in New York was bored out to the smooth condition which is necessary by hand power. They are now bored by machinery, and it is said that they could lay 12 miles in the city of Chicago for less than they have laid 4 miles in New York.

Mr. PLATT of Connecticut. Then the charge is based to some extent on the cost of the plant?

Mr. MASON. There is no doubt about that. The matter is all in the hands of the Postmaster-General, who has all the information and who knows what it costs. Then I want to say to the Senator that at the end of four years—for the contract is only made for four years—the Postmaster-General could say, "we will make another contract now," or "we will not." If we get the system in the city of Chicago, we will get the benefit of lower rates. I will say that there is no company which has engaged in this business that has ever paid a dollar of dividends, and, as I am informed, they have defaulted on some of their bonds.

Mr. WOLCOTT. But the Senator from Illinois is aware that the testimony shows that the New York stock was largely watered, and that it went through a construction company.

Mr. MASON. Very well; as long as it does not draw any water from Uncle Sam you ought not to complain, nor ought anybody else. This water has no value. But what I insist upon is this, that every one who has given this matter thought, every one who is interested in handling the mails in the Post-Office Department—the Department under President Cleveland and now under President McKinley—has recommended this service; and it saves beyond any one's power to estimate.

Mr. CAFFERY. Will the Senator permit me to ask him a question?

Mr. MASON. Yes, sir. I shall be very glad to answer any question I can.

Mr. CAFFERY. What part of this \$725,000 proposed to be appropriated for this pneumatic-tube service is now applied or is to be applied to New York, Boston, and Philadelphia, and what will remain?

Mr. MASON. Two hundred and twenty-five thousand dollars, in round numbers.

Mr. CAFFERY. In what cities is it proposed to establish this pneumatic mail-tube service besides New York and the other cities which have been named?

Mr. MASON. We hope to get it in the greatest city in the world, and of course the Senator knows what city that is when I make the statement. But we have no assurance from the Postmaster-General, except he said that if the proper appropriations be made the tube service would be very useful in Chicago, possibly because that is the greatest mail-distributing point in the United States.

Mr. CAFFERY. Will all of this sum remaining after the amount which is to be applied to New York, Boston, and Philadelphia be appropriated to the service in Chicago?

Mr. MASON. Certainly not; because there are applications for the extension of the service in Boston, where it is said it can be made of double the value and perhaps quadruple the value it now is by a very small expenditure of money; and it is said that the service in New York can be increased also. I understand that an increase is also asked for in Philadelphia. We want this service in Chicago. We can not hope to be in a position to earn perhaps any part of this appropriation this coming year.

Mr. CAFFERY. I will say to the Senator that we have the next largest city in the United States in my State—that is New Orleans; and I should like to preempt a part of this money for that city.

Mr. MASON. New Orleans is, I believe, one of the cities mentioned in the 27; and I think, as an old friend of mine used to say, it is a mean man who will not promise a pup whether he has one to give or not. So far as I am concerned, I want Chicago to have a part of the benefit of this service; and I think it will be, I will say, not only a benefit to Chicago, but to everyone in the State and in the country, for Chicago is a city that belongs not only to Illinois, but it belongs to this whole nation. There is no Senator in this body whose constituents will not get a part of the benefit

if we can get this system established in Chicago. The Postmaster-General is a very capable man, and, I believe, one of the best equipped men in the United States. This puts into his hands \$500,000—I do not remember the exact amount of the appropriation for rural free delivery—

Mr. WOLCOTT. One million seven hundred and fifty thousand dollars.

Mr. MASON. One million seven hundred and fifty thousand dollars additional appropriation for rural free delivery. No one in a city objects to that, because when you help to expedite the mails in the country you help to expedite the mails in the city; and when you help yourselves you help us. It puts in the hands of the Postmaster-General a limited power. Under the bill he can say, "If you will furnish a certain amount of service for Chicago, we will pay you so much a year for it;" and when the contract has expired there is no such thing as holding the Government by the throat. The Government does not have to pay at the time when the contract is terminated, and the contracts are not made for longer than four years. The Government will then be in a position to say to the people who own the tubes, "We will fix the price; we will treat you just as we do the railroad companies, and you will have to take the price we fix, or get nothing." All the money invested in this enterprise in Philadelphia, in New York, in Boston, and in Brooklyn, amounting to hundreds of thousands of dollars, will be lying there idle, and the House of Representatives, in a panic, cuts off the appropriation for this business in the appropriation bill by refusing to pay existing contracts.

I say these people are at the mercy of the Government. We can trust the Government; we can trust the Postmaster-General; and I appeal to my colleagues in this body to give us some of the benefits of this appropriation. We have in the neighborhood of three and a half million people in Chicago. We earn more than you will pay for the service. The increase of the mail there is so great that it is almost impossible to handle it.

The Postmaster-General has written me a letter this morning in which he states that they intend to give us in Chicago as fair a share as they possibly can of the increased appropriations; and yet they can not give us enough to meet one-half of the actual demands and needs of the post-office in the city of Chicago. I say we earn that money. I do not suppose there will be an earning of \$50,000 for the next twelve months for the city of Chicago in developing this new enterprise. It is to give the people the benefit of it.

There never has been a petition presented from this city of Chicago so universally signed as the petitions which have been presented here in favor of the establishment of this service. Every banker has signed such a petition—and the bankers know what they are asking for—every manufacturing establishment has signed it; the largest wholesale houses and retail merchants have signed it. I think the least that ought to be done is that the Congress of the United States should give us the same advantages that are given to Eastern cities.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MASON. Yes, sir.

Mr. SPOONER. Was the committee unanimous in recommending the continuance of the service in New York, Boston, and Philadelphia?

Mr. MASON. Yes, sir. I do not understand that any one on the committee opposed continuing the service.

Mr. SPOONER. If the service is a valuable service, important to commerce, and renders, all things considered, full and fair compensation, so that it should be continued in New York, in Boston, and in Philadelphia, upon what theory is it that this improvement should be confined to the East, and that the great city of Chicago should be deprived of its advantages?

Mr. MASON. There is no reason, Mr. President, and there is no good argument for the suggestion. I heard the chairman of the committee say the other day that there was a proposition to cut off all of the appropriation; but I never heard of any such statement made before the committee by any one. It may be that some Senator, when I was absent from the committee, said he believed in cutting off all of this appropriation; but the service in those cities is now under contract.

Mr. SPOONER. If it is not a good thing, if it is too expensive to justify its continuance it ought to be cut off.

Mr. MASON. Yes.

Mr. SPOONER. But if it is not to be cut off, if it is to be continued and the whole country is to be taxed for its continuance, why should it not be extended?

Mr. MASON. The contract expires next year—

Mr. HALE. Was it not the fact that after the debate in another branch the entire appropriation for all these cities was cut off?

Mr. MASON. Yes.

Mr. WOLCOTT. The whole of them.

Mr. HALE. It was proposed to put on, in addition to those



three cities, a general, all-embracing scheme covering twenty-seven cities, and the House struck it all off.

Mr. MASON. The scheme embraced is simply this: The House committee recommended the same amendment verbatim that the Senate committee recommended, but when it came up for discussion, the matter having been referred to in another body, a gentleman upon the floor stated that—

Mr. HALE. I was not asking the Senator to explain how it was done, but only the general question whether the House did not strike it all out.

Mr. MASON. The other House struck it all out.

Mr. HALE. Of course we can not discuss what took place in that body.

Mr. MASON. The chairman of the committee referred to it. I do not propose to mention any gentleman there by name. It is only necessary to say that, after a brief discussion, things which had transpired, which had no relevancy and no bearing upon the question, were sprung upon the House, and the House was stampeded, and struck out the whole provision, which included the \$225,000 now under contract.

Mr. TILLMAN. Will the Senator yield to me?

Mr. MASON. Yes.

Mr. TILLMAN. I was not present yesterday, but from the report in the papers and from a hurried glance through the RECORD this morning, I see that the chairman of the committee—who is a very thorough investigator of all matters before his committee, as I know from my service with him on the Interstate Commerce Committee—seems to say that this thing is an extravagance and a waste, if not a steal, and I do not understand how the Senator can claim that the committee is unanimous for the restoration of this appropriation.

Mr. MASON. I did not say anything of the kind.

Mr. TILLMAN. I understood the Senator to say so.

Mr. MASON. If you had listened carefully you would not have so understood. The question was whether there was any dispute in the committee about paying two hundred and odd thousand dollars for New York.

Mr. TILLMAN. I thought it was as to the entire appropriation that you said the committee were unanimous.

Mr. MASON. Not at all.

Mr. TILLMAN. If it is to pay our debts under contract, I can understand it. That is a different thing.

Mr. MASON. I want to say that the chairman of the committee did not make any such statement as that it was a steal.

Mr. TILLMAN. He said extravagance or waste, and I put in "steal" myself, just interpreting as I thought his language, which was more euphemistic.

Mr. HOAR. May I ask the Senator a question; and when he makes his answer to the other, he can at the same time answer mine?

Mr. MASON. Certainly.

Mr. HOAR. Do I understand it was claimed by the committee, or by anybody, that in the Boston pneumatic-tube arrangement, the contract there was extravagant, or that there was any dishonesty in the company which constructed it?

Mr. MASON. No, sir; there was not.

Mr. WOLCOTT. Will the Senator from Illinois permit me to answer the Senator from Massachusetts?

Mr. MASON. Yes.

Mr. WOLCOTT. I will give this fact, that in Boston there is now in operation seventy-four one-hundredths of a mile of pneumatic tube, which renders very excellent service, from the general post-office to one of the stations in Boston, for which the sum of \$9,000 a year is allowed, or at the rate of \$12,162 per mile, part of which is paid for wagon service. The president of that company wants to build a line from the post-office to the other union station in that city, and though it is only 3,300 feet to the station, the proposition is to charge the Government \$45,000 for that extension.

Mr. MASON. I wish simply to call attention to the fact that the Senator from Colorado, the chairman of the committee, has made my speech for me. There is not any reason in the world why the Postmaster-General can not have just as satisfactory service in Chicago as there is in Boston. It is undoubtedly true, as the Senator says, that the Boston company will want more service and want more pay; but, Mr. President, the Postmaster-General passes upon that; the Government of the United States passes upon that. It takes two to make a bargain. The Senator has stated that it is a very satisfactory service, and there is not any reason why now, in the light of the reduced cost, in the light that the Postmaster-General has, that he can not start out with a new system, a new plant, we can not trust the Postmaster-General to make a contract for laying the pipes, and why we can not use them just as satisfactorily in Chicago as the chairman says they do in Boston at this time. The mere fact that the manager of that company does want more money is no argument why we should not have this system in Chicago. He will not get more money unless the Postmaster-General says the service is worth it.

We must trust somebody in these matters; we must leave them to some Department of the Government.

Mr. HOAR. I should like to be permitted to say that I have watched this debate with great interest, and have not yet determined what my duty will be when the question comes to a vote, but I want to get information. I understand that the Boston or New England company is made up of men of high character, absolutely incapable—I know some of them—of engaging in any investment for the purpose of plundering or swindling or getting extortionate terms out of the Government; and although it may be true that for an investment of \$63,000 they get \$9,000, or whatever the sum is, yet it should be borne in mind that it is not the mere cost of the plant, but all the service, repairs, salaries, payments to agents, payments for wagons, so far as the supply wagons are concerned, and that it is an arrangement where the investor is very likely to lose his entire capital at the end of four years, or two years, because the other side have the control of the rates to be paid, and under those circumstances 15 per cent is not a great payment on the capital invested, it seems to me.

If I may be pardoned a moment further, contracts with gas companies throughout the country have been made always on the theory that the gas companies may at any time be driven out by electric-light companies; and there is always a danger that the authorities of a city may order them to take up their pipes. When the contract with the company terminates, the whole value, the whole capital, is swept away. There is no use for pneumatic tubes laid in the streets when the Government refuses to use them. So 15 per cent is, under these circumstances, not immoderate compensation on the capital invested.

Mr. MASON. This company that has built the line tenders to the Government absolute control of its outfit, estimating it at actual cost, at a rental equivalent to 10 per cent. But I think myself it would not be a wise plan to enter into a scheme of that kind, because it is in its infancy. Let us take the largest cities; let us develop it as it goes along. The city of Chicago is in some ways perhaps the second city. These Eastern cities have it. They have determined to keep it. They know it is a good thing. It benefits them and it benefits us; and if you take the pneumatic-tube service out of New York to-day, you would do an injury to everyone else who has business relations with New York. We save on a large share of the mail twenty-four hours by having the mail delivered in the morning.

Mr. TILLMAN. Mr. President—

Mr. MASON. I explained and illustrated that, but the Senator was busy on something else. If the mail goes through the tubes in the last twenty minutes prior to the departure of the morning fast train—twenty or thirty minutes—and it is a heavy mail, a first-class mail, it is delivered next morning in Chicago. If it does not go through the pneumatic tubes, but by wagon, it goes in the night mail and reaches Chicago at night and is not delivered until the following morning. That is a class of mail on which we save twenty-four hours between New York and Chicago.

Mr. TILLMAN. I see, as corroborative of what I said a moment ago, that the Senator from Colorado, the chairman of the committee, in his speech yesterday afternoon used the following language:

I say that in my opinion there has never been presented in the few years I have been in the Senate a scheme which seemed to open the door to such flagrant abuses as does this. Nobody is demanding this; nobody is crying for it. True, the boards of trade declare for it. They will declare for anything that will hasten the transmission of the mails; but intelligent merchants do not want it at the undue expense of the taxpayer of the country, or at an expense that is beyond its value and beyond that which is just and right.

Lower down he stated—

Mr. MASON. Let me say right here, in answer to that—

Mr. TILLMAN. Let me get through. Lower down he says:

I say, Mr. President, that we ought to pass over this question now. We can, if we will, leave the \$225,000; but all the pneumatic-tube advocates, who, as I say, have been swarming around here all through this winter session, do insist that it shall be all or nothing. They say they want the \$225,000 or not a cent; and they are large stockholders in the present existing service. If they can stand doing without it, I think the people can stand doing without it, for it saves but twelve minutes on a very imperfect service between the Grand Central station and the general post-office in New York City.

Mr. MASON. If the Senator had been here, he would not have read that; and if he had heard my answer, he would have known that I completely dispelled the dream of the Senator and explained that he made a very great mistake in both particulars.

Mr. TILLMAN. I direct the attention of the Senator from Colorado to the fact that the Senator from Illinois said he dispelled a dream which he had yesterday.

Mr. MASON. Yes.

Mr. TILLMAN. I have not seen any sign of a dream flying out of the Chamber. Which way did it go?

Mr. MASON. When the Senator from South Carolina hears that I am going to make a speech he should remain in the Chamber.



Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. CHANDLER. I thought both Senators had finished. I do not want to speak until they both get through.

Mr. TILLMAN. I wish to add one word, and that is if the Senator from Illinois is merely contending for his share of this cloudy or shady transaction or the amount involved in it, I sympathize with him very heartily. You gentlemen know that I have announced boldly here that when a steal is going on I should like to have my share for South Carolina; and if the Senator from Illinois is merely desiring to get his share of this beef, I sympathize with him and can understand why he wants the amendment to go through as reported.

Mr. MASON. I wish to say, in response to the Senator from South Carolina, that there is nothing cloudy about this transaction. There never has been any cloud on this transaction. There are different interests here as there always are. There are those who believe in the wagons carrying the mails, because they have friends running the wagons, and there are those who believe—I do not say in the Senate Chamber, but there are people around in the halls who talk to us on both sides of this question.

I have a friend who talked to me for the pneumatic tube. I have had friends who talked to me about the importance of the friendship of the gentlemen who make a hundred thousand dollars a year running the wagons in my town. But that does not worry me one way or the other. It does not influence any Senator here. It is mere talk in the halls, and the Senator from South Carolina wants to understand that there is not anything cloudy, and there never has been any cloudy evidence on the subject. One of the greatest inventors of the age is the man who invented the use of the pneumatic tube. They tried it in England fifty years ago and failed for want of brains and genius to operate it. American citizens have perfected it. American citizens like Mr. Belden and Mr. Mills have put their money in on the faith not so much of the tube service as on their faith in Mr. Milholland, who has furnished the brains to bring capital and invention together, a reputable gentleman, a successful business man, an honest man. There has been no cloud cast upon him or anyone associated with him in this case except by those who get in dark alleys and dark places and who would assassinate character and assassinate reputation to keep their friends driving the wagons and drawing the pay.

Mr. ALLISON. Mr. President, the pneumatic-tube matter is not a new one in the Senate. It had its origin some years ago. The Committee on Appropriations, having had charge of the Post-Office appropriation bill for some years, has had occasion to look into it, and I myself have been convinced, from such examination as I could make, that the expense attending these tubes is so great that the Government of the United States should not engage in making the expenditure. This invention, I have no doubt, is a valuable one, and it may be, as the Senator from Illinois says, in its infancy; but it is a fact, nevertheless, that it does not dispense, so far as I have been able to ascertain, with the general distribution of mail matter by wagons.

Mr. MASON. Did you read the evidence from Philadelphia, where it is done by one company, and where they propose to reduce it from 13 to 2, and have already reduced it to 6?

Mr. ALLISON. It happens that the tubes at one of the railway stations in Philadelphia are very near the post-office—it may be an exceptional case—so that the tubes can be made useful.

The Senator from Illinois finds fault with the fact that the tubes are in use in New York, Philadelphia, and Boston and not in Chicago, and says that if they are to be continued in these great cities, they ought also to be established in Chicago. There is some force in that suggestion. But these tubes and the contracts for their use were made without the authority of Congress. They were made in the first place by the energy and activity of these inventors to test them. In Boston and Philadelphia that is true. But when they were placed in operation they induced the Post-Office Department to make contracts, and contracts have been made in these two cities for the use of the tubes for four years. So the Committee on Appropriations, having charge of this bill, in future years felt bound to appropriate a sufficient sum of money to execute the contracts that had been made by the Postmaster-General. For myself I believe that those contracts ought to be provided for; not because I think the tubes in any way justify such contracts, but because the Government has made itself liable to pay to those corporations a certain sum of money annually for a period of years. Therefore I should be willing, myself, to vote a sufficient sum here in this bill—

Mr. GALLINGER. For how many years?

Mr. ALLISON. During the pendency of the contract, which I think has one year yet to run, perhaps one year after this appropriation would be made. But I should be willing to appropriate for this purpose, inasmuch as we are bound to appropriate, I think, having made a contract.

Mr. SPOONER. Not otherwise?

Mr. ALLISON. Not otherwise and not beyond this contract. Now, what I object to is that it is proposed to increase the amount to be paid for the use and rental of the tubes indefinitely, by extending these inducements to other cities and other places, so that these contracts in the end will become indefinite in their duration and we will be saddled here with two or three million dollars in the next five years, and how many millions more we do not know in all the future years.

I am satisfied there is no postal service anywhere that is equal to that in our great cities, without reference to the pneumatic tubes. We have, in the first place, in some instances six or seven daily deliveries in all the great cities of the United States and in all the smaller cities we have four or five. We have, in addition, carriers who go about the cities and gather up the letters for the post-office, and cars on electric roads, making their trips every half hour, gathering up the letters.

I have no doubt what the the Senator from Illinois says is true, that if I happen to be at the post-office at half past 9 in the morning and want to send a letter to Chicago upon a matter of business or upon a social matter, I could run about and get that letter into the fast mail, leaving New York at 9.55 in the morning; but are we to expend millions of dollars in the rental of pneumatic tubes for the purpose of providing for a fugitive letter that is put in the mail ten minutes before the train starts?

These letters and mail matter of ours can go only two or three times a day from one distant portion of the country to another, and therefore it is presumed that intelligent business men, whether they are bankers, manufacturers, or otherwise, will know when the trains start, and if they have an important letter they will see that it gets into the mail in time to reach its destination, whether it is Chicago, San Francisco, or Omaha; and if their business is of such an urgent nature that they can not get in a letter in time, they will use another instrumentality, which is not an expensive one—the telegraph—and communicate with their distant people by telegraph.

Mr. TILLMAN. There is the long-distance telephone, too.

Mr. ALLISON. I was about to add, and I thank the Senator for the suggestion, there is the long-distance telephone. That is a more expensive luxury, especially if we want to talk to persons at a great distance.

Now, all these things we have. We have, in addition, the distribution of letters of a local character in all our cities. Then we have what is called immediate delivery, which is a very excellent thing, as it has proved to be, whereby if I want or you want to send a letter in this city or to be delivered in another city we add a 10-cent postage stamp upon it, and a bicycle or some other instrumentality is used and the letter is carried straightway to its destination.

Mr. MASON. Will the Senator allow me to interrupt him for a moment?

Mr. ALLISON. Certainly.

Mr. MASON. In New York, where they have the pneumatic tube, they drop the special-delivery letter in the office and get answers quicker through the pneumatic tube than by telegraph.

Mr. ALLISON. Very likely that may be true.

Mr. MASON. That encourages the use of the 10-cent stamps.

Mr. ALLISON. The difficulty with the pneumatic tube is that it is an instrumentality too expensive for governmental use. If I may be permitted to use an illustration that was used in the debates elsewhere on this very question, it was said you do not burn down your house in order to light your cigar or to cook a rabbit. It is too expensive for the purposes we have in view.

Now, take the city of Chicago. The Senator from Illinois knows very well that I should be glad to do anything I could to promote the interests of those people, the merchants, business men, and manufacturers. In the distribution of mail Chicago is, next to New York City, the largest in the United States, and I believe its postal receipts are second. But what is that mail? Only about one-sixth or one-fifth of it ever gets into the Chicago post-office. Of the 380 or 400 tons of mail that is distributed in Chicago from points beyond Chicago, either east or west, north or south, five-sixths never goes into the city post-office at all, but goes directly from one station or depot to another, and is large, bulky mail.

Mr. WOLCOTT. Two hundred and fifty tons of mail goes from depot to depot.

Mr. ALLISON. Two hundred and fifty tons. I supposed it was much larger. The Senator's figures, however, are more accurate than my recollection. These tubes can not be used for that purpose. I care not what the testimony may be or the statement about it.

Mr. MASON. There is no intention to use them for that purpose. It is not necessary. That mail goes in bulk and is moved in bulk across the town.

Mr. ALLISON. In wagons?

Mr. MASON. It is very different from the first-class mail of which we are speaking.



Mr. ALLISON. This large amount of mail matter, coming from New York, if it stopped at Chicago, would be probably somewhat facilitated; but that great body of mail, comprising five-sixths of the mail received in Chicago, never reaches these tubes at all and can not reach them, and if it did reach them it would not save a minute's time. The use of these tubes is confined principally and necessarily to local mail matter in cities and to fugitive letters that are dropped in at the last minute or five minutes before the departure of the train.

My objection to the tubes is that the cost thus far, exemplified by the prices asked and by the cost of their construction, shows clearly and distinctly that they are not useful when compared with the cost, and that we can not afford to use them until the invention is perfected in such way as not only to make them useful for letters that weigh an ounce or two but also for the larger packages, and until they can also be made useful in cities for the local distribution of small packages by merchants and others. It is to my mind an extravagant use of public money to undertake to enlarge the use of the tubes as it is proposed to do in this bill.

So convinced was the Committee on Appropriations as respects this matter, and so convinced were they also as to the enthusiasm, if I may use that word, of the Post-Office Department, that we should use the tubes, and without regard to cost, that we put into the Post-Office appropriation bill a clause that there should be no new contracts entered into by the Post-Office Department until there was specific legislation respecting the tubes. Why did we put that in? We put it in in order that we might know what the nature of the contracts was to be, that we might know how much the capitalization of the corporations would be in the different cities, and that we might be able to regulate the tubes by law for specific cities.

Now, in the face of that law, notwithstanding that legislation, we now have a provision in this bill giving to the Postmaster-General the power to use, at his will and discretion, for the use of the tubes or for their purchase, \$500,000 more. It is evident that he can not purchase more than a mile or two of tubes with that appropriation. Therefore it is evidently the intent and purpose that the Postmaster-General, or the Second Assistant Postmaster-General, may, at his or their discretion, contract for the use of the tubes for a period of five years, or possibly ten years, under the general statute law. While I am willing to vote for a sufficient appropriation to meet the existing contracts, I hope we will not now enter upon this proposition, which will in the end cost us \$10,000,000 a year for a service that in no possible way can be of sufficient benefit to justify the expense.

In addition to this, if the tubes are to be utilized, they ought to be utilized in the same way that we utilize immediate delivery. When a man wants to use this swift method, he ought to be willing to pay additional compensation for its use. These methods are used in London, I know, but there is no opportunity to get a package into the tubes there without paying a remunerative price for the use of them.

Mr. WOLCOTT. Nothing less than 4 cents.

Mr. ALLISON. Nothing less than 4 cents. Why should we provide for the tubes here without at the same time throwing around it safeguards whereby some revenue will come in as the result?

Mr. TILLMAN. I will direct the Senator's attention to a part of the speech of the Senator from Colorado yesterday, in which he states:

From that time to this I have been trying to find out—

This is in reference to the cost of these tubes—

From that time to this I have been trying to find out, and so have other members of the Railway Mail Commission and members of the Post-Office Committee, how much it cost to put in this pneumatic-tube service, and we have been utterly unable to ascertain until Mr. Milholland the other day, before the Post-Office Committee, told us that the cost varied somewhere from \$150,000 to \$225,000, or about in that neighborhood.

Mr. ALLISON. A mile?

Mr. TILLMAN. A mile. I can very readily understand as a practical man that it ought not to be more than that, because it is nothing but the excavation of the ground and the fixing in of some sleek tubes of iron or terra cotta, or something that will not afford any obstruction to the passage of letters or packages, or the letter itself singly. If we are going into this business as a money-saving or economical arrangement, why not have the Government build the tubes from the central post-office to the railway stations, where they are needed, and operate them itself as well as operating the other branches of the service?

Mr. ALLISON. That is very well worthy of consideration, and I should think—

Mr. TILLMAN. The interest on \$200,000 is \$6,000 a year. The running expenses will be comparatively light, because it is only the use of wind—a fan arrangement, by which a strong current of air is forced through—and one or two men could run the engine or whatever it was. I do not see, if this is such a great thing, why we do not provide for its construction and operation by the Government, and not yield tribute, as my friend the Senator from

Colorado says, to these lobbyists who have been swarming around the corridors of the Capitol. I have not seen them. I am not on that committee.

Mr. CHANDLER. Mr. President, I regret to be obliged to take the time of the Senate in discussing this amendment, which I think ought to be adopted without cavil. My general answer to much that has been said by the Senator from Iowa [Mr. ALLISON] and in various occasional speeches by the Senator from South Carolina [Mr. TILLMAN] is that these questions will all be decided by the Postmaster-General. Notice how simple is the proposition:

For transportation of mail by pneumatic tube, or other similar devices, by purchase or otherwise, \$725,000.

The whole question how the pneumatic tubes shall be utilized is submitted to the Postmaster-General, the same as all other details of this sort ought to be submitted to the head of a Department. Congress does not undertake to prescribe all the details. The Committee on Appropriations, when they are in a mood to recommend the expenditure of money for the development of the public service, do not enter into all the details. They take it for granted that the heads of the Departments, first, know something, and second, are honest enough to be intrusted with the discretion to promote the interests of the public by introducing new inventions and increasing the facilities for the public service.

So the details being all referred to the Postmaster-General—the decision upon what plan and with what companies the pneumatic-tube service shall be extended—the sole question before the Senate to-day is whether pneumatic-tube service shall go on or shall stop. Shall we make a retrograde movement? Shall we pronounce that this swift service, through this most useful of modern inventions, the pneumatic tube, shall be arrested? Shall we turn our backs upon it or shall we go forward with it?

I am not to be drawn into a discussion of details. I am an advocate of the extension of the service. I said the pneumatic tubes were a useful modern invention. I believe so. I think we are as little likely to turn our backs upon such tube service for the transportation of mail in our great cities as we are to return from the automobile to the carriage with horses, or from the electric cars to the horse cars, or to the omnibuses drawn by horses. The pneumatic-tube service is wonderful in its construction and the results it accomplishes, and it is of the first importance in connection with the mails because it is continuous. The tubes can be used all the time, every minute. Instead of transporting the mails every little while, every twenty minutes, every half hour, or every hour, the transportation is continuous during every hour of the twenty-four.

Mr. MASON. Every twelve seconds.

Mr. CHANDLER. After having tried this service for a number of years, after having had most excellent results in Boston, in Philadelphia, and in New York, the Post-Office Department has become convinced that it ought to be extended, and all the recommendations of the Department are in the direction of enlarging this appropriation; and now, because it is proposed to go from \$225,000 to \$725,000 a year, the Senator from Iowa is induced to rise again and make a prediction, as he did the other day on armor plate.

When it was in proof here, and other Senators were of opinion that in a year and a half we could have an armor plant, the Senator from Iowa added the weight of his great influence to the debate and said he predicted that it would be four years before we could make an armor plate; and now when there is an effort to lie down and roll over on this humble project of increasing the tube appropriation by \$500,000, the Senator from Iowa comes in and warns us that if we do this the service will cost millions in the future, which will be wasted and thrown away. I scout at all predictions of that sort. The world does move despite the Senator from Iowa. There is the rural free delivery. We sought to have rural free delivery in this country, and two or three years ago we began with a small appropriation of one or two hundred thousand dollars.

The benefits of rural delivery are so apparent to the communities to which they are given that now we have a million and three-quarters appropriated in this bill, and the Senator from Colorado does not object to it. The Senator from Iowa does not object to it. They live in rural regions, and they want the benefits of the extension of the rural free delivery to their communities; but they oppose giving the inhabitants of the great cities the pneumatic tubes which they want. I submit, Mr. President, that it is ungenerous to do this. For some reason or other—

Mr. TILLMAN. Mr. President—

Mr. CHANDLER. The Senator made an excellent speech right in the middle of the speech of the Senator from Iowa [Mr. ALLISON], and I would rather that he would not make one in the middle of mine, because it will be so much better than mine that persons will read only his and will not read mine.

Mr. TILLMAN. Does the Senator yield?

Mr. CHANDLER. Yes.

Mr. TILLMAN. I was going to appeal to the Senator from



New Hampshire not to mar the magnificent record he made the other day on the Government doing its own work in the construction of armor by objecting, if this is such a good thing; and I can see that it might be an improvement on a horse and wagon, which will wear out, because a pneumatic tube will not wear out if it is a properly constructed one, I understand.

Mr. CHANDLER. What question does the Senator want to ask me?

Mr. TILLMAN. I ask the Senator to allow the Senate to amend the proposition about the extension of the pneumatic-tube service by providing that the Postmaster-General may, in his discretion, construct for the Government pneumatic tubes in such cities as may be designated in the bill. I am willing to give a million dollars if we want to try it, and it is recommended by the Department as a permanent improvement to our postal facilities. Let us go at it in a business way and in accordance with the record which he and I have made in regard to the Government being able to do its own work better than to contract with somebody to do it at an expense which is equal to the cost of the whole thing every year.

Mr. CHANDLER. Mr. President, the Senator from South Carolina makes me tired, and I have no doubt he makes other Senators tired, by these speeches which he interjects into the body of their remarks.

Mr. TILLMAN. It is because I am not able to make long speeches, Mr. President, that I have to occasionally dip into the speeches of my brother Senators. I merely attempt to make an occasional incursion, so to speak, as a guerrilla.

Mr. CHANDLER. I have been waiting here an hour to make one short speech, and I have heard over five from the Senator from South Carolina; and I must confess I am very much amazed at this cooperation of the great capitalists of this country who control the railroad transportation of the country with the Populists of the Senate in defeating this little appropriation for the pneumatic-tube service in the cities of the United States.

Mr. TILLMAN. If the Senator will permit me, if I had been here yesterday I would have voted with him on the proposition to reduce the compensation of the railways 10 per cent, and I am very sorry that it did not get more than 11 votes.

Mr. CHANDLER. We got only 11 votes.

Mr. TILLMAN. I would have rounded up with the Senator on that proposition. I am not in a combination with any capitalists anywhere.

Mr. CHANDLER. The Senator is now in combination with capitalists to defeat these tubes. I am coming to that point in a minute, because I was very much interested in the incursion of my esteemed friend from Colorado into a field of debate wherein lobbyists and monopolists are anathematized. The Senator presented himself to me in a new rôle. I have always endeavored to support the Senator from Colorado, but I never knew him before to make a speech against monopolies; and I have not supposed that he thought the free action of the Senate on any question was likely to be endangered by lobbyists.

Mr. President, I do not wonder that the pneumatic-tube companies sent their representatives and agents to this city when they found that the appropriation of \$225,000 was stricken out in the House of Representatives. They have put their capital into these pneumatic tubes and they have existing contracts with the Government which extend, it appears, a year and a half into the future; and, to their surprise, in the House of Representatives the whole appropriation was stricken out.

The Senator from Colorado has alluded to the debate in the House of Representatives, and I wish to call the attention of the Presiding Officer to the statement made by the Senator from Colorado. He said:

Mr. President, in another Chamber there was a somewhat excited debate over this matter, an occurrence which never happens here.

There is always a lively debate here when the Senator from Colorado participates in it. So there is one mistake.

I desire to say that in my opinion the member of the House who stood gallantly up and led the attack upon the whole appropriation kept himself well within the truth, and refrained from saying much that he might have said as to the character of the attempts to secure this legislation which have been made in these bodies for the past few years.

Now, Mr. President, if it was in order for the Senator from Colorado to make that statement as to this member of the House and to commend him for gallantly standing up and leading the attack upon the whole appropriation, and to say that he "kept himself well within the truth," is it in order for me in turn to speak of what that Representative said in debate and to deny and controvert the truth of what he said? If it is, Mr. President, I want to do so. I do not think the Senator from Colorado should have made those statements, and I will refrain from violating the courtesy which I owe to the other House. I will refrain from counter criticism of the Representative in question.

But I will say this, Mr. President, that attack in the House of

Representatives was made by reason of testimony which had been taken by the Postal Commission a year and a half ago, and the effectiveness of the attack that was made on account of that testimony grew largely from the fact that the testimony itself has been kept secret; that it never has been published by the Postal Commission. When names are called for either here or elsewhere the names are not given; and by innuendoes, by concealment of the exact transactions, an attempt has been made to stab this appropriation as being something that has involved dishonesty in the past.

Now, Mr. President, when that attack succeeded in the House of Representatives, it was no wonder that the persons who carried on these companies came here to make representations to Senators and others as to the injury that would be done to their business if this appropriation were not put in the bill. The Senator from Colorado sent for some of them to come. Two of them, and I do not know but more, were summoned here by the Senator from Colorado in order that he might examine them before the Postal Commission as to the facts connected with the tube service. I ask whether after they had been summoned here by the Senator from Colorado in order, if possible, to get something that would lay a foundation for an attack upon their business they were obliged to go out of Washington with nobody but the Senator from Colorado given an opportunity to learn facts from them?

I say no, Mr. President. I say these gentlemen came here rightfully and properly. I have seen only three or four of them, and, so far as I know, they conducted themselves just as properly outside of this Chamber as we conduct ourselves inside of the Chamber.

So much, Mr. President, for the lobbyists who are said to have been swarming the Capitol in the interests of the pneumatic tubes, and so much for the red rag which, shaken by the Senator from Colorado, has aroused the combativeness of the Senator from South Carolina. The companies who have been attacked have taken occasion to defend themselves as well as they could, and I say that not only the appropriation of \$225,000 should be made, but the additional appropriation of \$500,000 should be made, so that the other cities of this country shall receive the benefits of rapid pneumatic-tube service which the three cities now receive.

The next trouble stated by the Senator from Colorado was that this appropriation will be an appropriation for a monopoly. It is a monopoly, the Senator said, and there will be no competition for this \$500,000. Mr. President, I want to call the attention of the Senate to the fact that in this very bill, on the page next succeeding the one where this moderate sum of \$725,000 is inserted, there is an appropriation of over \$37,000,000, every dollar of which is paid to monopolies without the slightest competition. Here it is:

For inland transportation by railroad routes, of which a sum not exceeding \$40,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, \$33,870,000.

For railway post-office car service, \$4,561,000.

Look at this appropriation brought in by this committee of over \$37,000,000, to be expended, every dollar of it, without one particle of competition. With that fact before us, that there is no competition among the railroads of the country when they seek to have this \$37,000,000 paid to them, can we not trust the Postmaster-General to expend \$500,000 a year in additional pneumatic tubes in the cities of this country without raising the hue and cry that it will be paid to monopolies and that there is to be no competition?

Mr. President, there never has been any competition in the railroad transportation of mails. We have a system of compensation by arrangement with the railroad companies that began at its present rate, less 15 per cent, probably forty years ago. I do not know whether it has been fully forty years or not, but in 1873 the rate paid to the railroads was reduced 10 per cent, and in 1878 it was reduced 5 per cent. With the exception of those two reductions, the last of which was twenty-two years ago, we are paying the same price for the transportation of the mails in this country by railroads that we paid about forty years ago.

We have had no reduction in railway mail pay for twenty-two years, when it is perfectly notorious that the rate of transportation of everything except the mails of this country has been reduced from 30 to 50 per cent. The larger portion of all the freight transportation in this country is from 30 to 50 per cent less than it was thirty years ago. When the proposition was lately made that we should venture to reduce the cost of railway mail transportation by taking off 10 per cent of the amount and reducing the \$33,000,000 down to \$30,000,000, paid without including the railway post-office car service, we succeeded in getting only 11 votes for that economy; and the Senator from Georgia [Mr. CLAY] was inveigled into making an attack upon that reduction, much to my surprise, for I had supposed that we could count upon that Senator in favor of some little attempt at economy in the appropriations at the present session of Congress.

Mr. CLAY. Mr. President, I desire, with the permission of the Senator from New Hampshire, to state that the Senator from South Dakota [Mr. PETTIGREW] made a serious assault upon the



Postal Commission. The Senator from New Hampshire is a member of that commission. I had confidence in his integrity; I believed he would make a just and fair report; and I thought I was doing a justice to my country and that the remarks I made were true, and that when he did report he would give us the facts and data upon which we could make a reduction, if one were necessary.

Mr. CHANDLER. I do not know whether we are ever going to have a report from the Postal Commission.

Mr. CLAY. I felt sure that you would make one.

Mr. CHANDLER. I am a very humble member of that commission, Mr. President, and if I make a motion in the commission I am more likely to be voted down than I am to be voted up. But still I thought that we could get some economy out of the Post-Office Committee as to the railway mail pay. But I was mistaken, and now the chairman of the Post-Office Committee is able to enlist in his service the Senator from Georgia [Mr. CLAY], the Senator from South Carolina [Mr. TILLMAN], the Senator from North Carolina [Mr. BUTLER], and even our friend who sits on his left, the Senator from South Dakota [Mr. PETTIGREW], in efforts to defeat a little appropriation which is only a fair offset for the cities of this country as against the large sum that is to be appropriated for rural delivery.

Mr. TILLMAN. Mr. President, if the Senator will kindly permit me, I know very little about this matter, except what I have gathered from the discussion and what little I have been able to see in the RECORD in the few moments I have had to devote to the speech made yesterday by the Senator from Colorado [Mr. WOLCOTT]. I have thought I could rely on the Senator from New Hampshire, but he has fallen from grace and now lines up here in support of another armor-plate trust or a pneumatic-tube trust.

I want the Government, if it is a good thing, to build its own pneumatic tubes and operate them. If the Senator's remarks in regard to the value of this service are at all approximately correct, I shall join in a proviso which the Senator from North Carolina is preparing, to authorize the Postmaster-General to expend the additional appropriation, not in contracting with some company to put a hole in the ground and then charge the Government rental for it for the next thousand years, but to put its own hole in the ground.

Mr. CHANDLER. Mr. President, I do not go quite upon the principle that the Senator from South Carolina adopts. He goes upon the principle of opposing almost everything unless South Carolina can get some part of it.

Mr. TILLMAN. I have never known New Hampshire to refuse a slice of pie on this floor.

Mr. CHANDLER. I have never been willing to vote for an appropriation in this Chamber which ought not to be made simply because my section of the country wanted a part of it. I am very much surprised at the Senator from South Carolina—and I wish to speak with all respect—and at the Senator from North Carolina and at the Senator from South Dakota, when they want the appropriation of nearly \$2,000,000 for rural free delivery, and when they believe we are going on, as the Senator from Iowa [Mr. ALLISON] predicts, to make the rural delivery appropriation \$10,000,000 within a few years, and yet want to hold back from giving the facilities of the pneumatic-tube service at this session of Congress, which are the very best of all modern postal facilities.

Mr. TILLMAN. Mr. President, if the Senator will permit me, I will remind him that last year when we had the Post-Office appropriation bill up I secured in this body an amendment limiting the number of deliveries in cities, I think, to four a day, and in conference that was thrown away and the number, eight or nine, whatever it is, was put back, by which the mail is gathered up right at the door of the merchant or banker or other business man in the large cities and is then distributed and sent wherever it may have to go. I did not complain very much, although I could not see any economy in the employment of such an army of employees to go after mail so often. If that is done in the large cities, it looks to me like that is enough. When you have, as I said, a little army or a regiment of men hired to deliver mail and to gather it in, why do you want to have this hole in the ground, which will demand a rental for all time, instead of building your own hole? Stick to that proposition, will you not?

Mr. CHANDLER. Now, I hope the Senator will not go away.

Mr. TILLMAN. I am not going away. I am simply retiring out of reach of the Senator.

Mr. CHANDLER. The Senator is simply opposing modern conveniences. He wants everything done by man labor or boy labor or mule labor, and he is not willing to have anything done by machinery. Why does the Senator have cotton gins?

Mr. TILLMAN. If we could have cotton picked by machinery, we would have the richest country on the globe.

Mr. CHANDLER. Certainly; and if we can have pneumatic tubes that will dispense with letter carriers, why should not we have them? You will pick your cotton, you will milk your cows by machinery if machines are ever invented that will do it.

Mr. TILLMAN. Butter is now made by machinery, Mr. President, I am told.

Mr. CHANDLER. Mr. President, this subject of pneumatic tubes was committed with others to this very Postal Commission; and if we do not know what it costs to lay a pneumatic tube, if we do not know what it costs to operate a pneumatic tube, if we do not know what sort of a system should be adopted for securing to the great cities of this country pneumatic-tube service at a reasonable compensation to the companies that lay the pneumatic tubes, if we do not know whether or not it is wise for the Government to own the pneumatic tubes and to carry on the service wholly by Government agents, the fault is the fault of the postal commission.

If the postal commission could have made a report, we would have had the data by which we could have determined now whether the pneumatic tubes are serviceable, whether they expedite the mails, and whether they can be economically brought into the service of the Government. But we do not get that report, and we are not going to get it until the 1st day of January next, and we are not certain that we shall get it then.

I call attention of the Senator from North Carolina [Mr. BUTLER] to the extraordinary condition of affairs brought about by the failure of the Postal Commission to make any report. We are not to cut down the mail pay from \$33,000,000 to \$30,000,000 because the postal commission has not made any report. We are not to have a pneumatic-tube service because the postal commission has not made any report. Therefore all that is necessary is to put off the report of the postal commission from year to year and we can not reduce the mail pay and we can not have any more pneumatic tubes. Is not that the situation?

Mr. BUTLER. When we had the question of the railway mail pay and the question of the report of the commission before the Senate yesterday, I am satisfied if we had had the eloquence of the Senator from New Hampshire then to assist us we would have got more than 12 votes.

Mr. CHANDLER. The Senator has had my vote always.

Mr. BUTLER. But your eloquence and your logic are what we want.

Mr. CHANDLER. I am somewhat weary in well-doing, Mr. President. The Senator from Colorado [Mr. WOLCOTT] talks about the tube companies issuing bonds; he talks about their over-capitalization. Yet we have the railroads of the country, which are worth about \$6,000,000,000, capitalized up to about \$11,000,000,000. It is of no use to try to cut down the railway mail pay unless you are prepared to fight this vast combination of over-capitalization; and in my belief the railroads that were so successful in defeating the motion of my friend the Senator from North Carolina yesterday do not want this pneumatic-tube service; and certainly the railroads do not need any lobbyists outside of this Chamber.

Mr. WOLCOTT. Does the Senator say that there is any evidence before anybody that the railroad companies are interested in the slightest degree in this question?

Mr. CHANDLER. I do not say that there is such evidence; but I say I believe they are. I believe the great railroads of this country have concentrated the system of mail transportation in their hands, and they do not want the pneumatic-tube service extended. One reason why I think so is the way this bill is proceeding in this Senate.

At any rate, Mr. President, we are entitled to know from the postal commission whether the pneumatic tubes are serviceable and whether they can be economically obtained, as we are entitled to know from the commission when and how the railway mail pay can be reduced. But I am opposed to waiting on the postal commission for an extension of the pneumatic-tube service. I say we ought to extend it, just as we have done with everything of this kind. There was no competition among the railroads when their service began.

The Postmaster-General was authorized to feel his way along; and by and by Congress was enabled to pass a law fixing compensation; but the compensation, as I have said, remains the same as it was forty years ago, except it was reduced first 10 per cent, next 5 per cent, and the last reduction was more than twenty-two years ago. So I think we ought to go on and extend the pneumatic-tube service, in the same way that we extended the Railway Mail Service, and as we are extending the rural free delivery, by giving power to the Postmaster-General from time to time to make additional contracts.

We are perfectly safe, in my judgment, in trusting to the Postmaster-General the power to make judicious contracts with the pneumatic tube companies which will not result in swindling the Government or imposing upon us any system of pneumatic-tube transportation which is not in the public interest. The Postmaster-General can control and adjust everything, and we ought not to wait any longer in giving to the other great cities of this country facilities which we have already given to three cities, and



which have proved of such vast benefit to those crowded communities.

Mr. HALE. Mr. President, there is no need of darkening counsel in this matter. It is a very simple thing. In the old days, when the Appropriations Committee had charge of all appropriations except those for rivers and harbors, this subject came before that committee. We have been going on from year to year in the Post-Office bill increasing post-office accommodations, spending more and more money, the increase in accommodations being almost always in the large cities. After a time business men in the large cities grew unreasonable; they were not content with three deliveries; they wanted four, and we gave them four; then they wanted five, and we gave them five; then they wanted six, and they said, "Look at the receipts that come in in the large cities, which return to the Government more than their expenses."

The postal receipts in the great cities of the country do not come simply from the great cities themselves. The whole country is laid under tribute, as in everything that pertains to the great cities, as the banks of Wall street and the speculators never could live if they were not living and preying upon the country. The business is the business that is brought in from the country; and it is not a fair rule to say that you must increase everything that is asked for by a few large cities because their receipts and returns are larger than they are in the country. They are made so by the country at large. The committee felt that; and still we gave them six deliveries a day. Think of that, Mr. President and Senators! In the business hours, every hour almost during the day, the banker, the broker, the merchant, the manufacturer, the retailer, and everybody had his mail brought to him six times a day in the large cities.

Mr. LODGE. They have seven deliveries now.

Mr. HALE. I had not come to that. We thought it would stop with six deliveries, but it did not. Then they came here and said: "It will be a great advantage to everybody if we can have another delivery, if we can have seven deliveries;" and we yielded.

The Senator from Colorado [Mr. WOLCOTT] who is now in charge of this bill, in his committee is going through what we went through—the constant imploration to do some fanciful thing in the great cities. We gave them the seven deliveries. We could not quite go beyond that.

The next thing that confronted us was this pneumatic-tube service. Senators do not know with what a flourish of trumpets that was launched on the Committee on Appropriations. Why, it was said to be almost like the discovery of a continent; that it would revolutionize the postal service. What was it? As the Senator said, a hole in the ground; that is about all.

Mr. President, the committee found that almost the entire charge and cost of this thing was profit to the company. It was not plant that they put in; it was not expense they put in; but it was clean, soft, good fat that they were making out of it. There is no more mystery, sir, about the pneumatic-tube service than there is about the flying of a kite, or a town pump—not the least. If this service is done at all, it ought to be done by the Government. It can be done at very small expense, and then it will only benefit a very few men; it will not benefit the country at large; and, Mr. President, I for one, with some education on this matter, protest against loading this bill, which has already become enormous, which has free delivery upon it that will cost \$25,000,000 a year within ten years, which has the Railway Mail Service; which will constantly increase, as everything will increase, except the star-route service—I protest against a mere fanciful thing, that will put money into the hands of operators and speculators and lobbyists, being loaded onto this bill.

The Senator from Colorado will find in his service here, if he has some care about protecting the Government and about stopping extravagant expenditures, that he will lie awake nights over the things that will be sought to be put onto the Post-Office appropriation bill; and there will never be anything that will be sought to be put onto this bill that will meet us at that door, and at that door [indicating], and at my door, and his door, and at my committee room, and his committee room, with the pertinacity and brazen effrontery that has characterized this whole performance.

Mr. President, it will do good once in a while for the Senate to stand up against these things. It will be a strengthening of the Senate in the country if it opposes some of these schemes. No man here, not even the Senator from Illinois [Mr. MASON]—and I heard his speech—with all his ingenuity, has ever given a single reason to show how this is going to benefit the whole country.

Mr. MASON. The Senator did not hear the statement I read from the Postmaster-General as to how it benefits the whole country.

Mr. HALE. Yes, Mr. President, I have great respect for the Postmaster-General, who is a bright man and a business man; but it is most unfortunate that it is a rare thing where you can find the head of a Department who will not recommend anything under the sun that aggrandizes his Department—a rare thing; but

Congress is here to restrain these things. I know how these things are gotten up. When any scheme enlarges the scope, powers, duties, and functions of a Department, all the subordinates favor it. They begin to send out circular letters, and those letters result in petitions that come in to us, all manufactured, Mr. President; and Congress is to sit in session over just these things and restrain the Departments of the Government.

There is too much tendency to-day to take suggestions from the executive branches of the Government and hurry them through because they are presented here from the Departments. Senators sometimes seem to consider that the height of their duty is to make good what every Department recommends. I deny it, sir. It will be a better day for the Senate when it is more and more and more independent of the Executive Departments, and deals with the real questions that arise according to the public good, and not according to the recommendations of the head of a Department. I expected this; and next year, if we put this on, does anybody suppose that it will not be doubled and trebled?

The Senator from New Hampshire [Mr. CHANDLER]—and I never saw him more put to it for an argument; I know him root and branch, and can tell when he is talking in an agreeable, bright, and vivacious way; I can tell when he is full of argument and when he is reaching and searching around for an argument [laughter]; I know him, for I have summered and wintered with him—I saw to-day how he felt about this matter; and the best thing that he could say was that as we had given this service to three cities, why not give it to all the rest?

They got this service, and the Senate knows how they got it. The Senator from Iowa [Mr. ALLISON] touched upon that. We tried to restrain them; but they went on and made a contract without the authority of Congress, that we never justified and never authorized, and we thought the best thing we could do to save the credit of the Government was to get out of those contracts as soon as possible and make no more. That is all there is about extending this service from these three cities to other great cities. Not one of them ought to have this pneumatic service. It is not needed; the people do not demand it; the business world does not demand it; it is a pure case of importunity, a determination to force it upon Congress, and I protest against it.

Mr. WELLINGTON. Mr. President, I desire to say a few words in favor of the extension of the pneumatic-tube service. I believe that in this country, as well as in many others, we are in an age of great progress, and I believe that we are advancing day by day. As we look backward upon the century and a little over of national life that has passed, we find great improvement in every branch of science and art and the general service of the people. When the mail first began to be carried, it was carried across the country on horseback. Then it was the mail coach; then came the engine and the railway; and so we have progressed year by year. In the cities, in the first instance, the man went to the post-office to procure his mail; after a while carriers were provided, and now the pneumatic tube has come, as I understand, in New York, Brooklyn, Boston, and Philadelphia.

If the pneumatic-tube service is a good thing for those cities—and I believe the great weight of evidence is in favor of that proposition—then I think it should be extended to some of the other great cities, such as Chicago, Baltimore, St. Louis, and many others I might mention. If it is good for New York, why is it not good for the great Queen City of the West? I believe it is good for all those cities. I believe it has been demonstrated that it is a good thing to convey the mails by pneumatic tubes. It is one of the inventions of the century; it is one of the steps that we take forward upon the road to progress, and there is no use in trying to get away from it.

The opposition to this bill reminds me of a story that I heard some time ago, located in the South. There was an old colored brother who came to the city of Atlanta once a year, and when he came there he invested a nickel that he might ride on the street cars, then pulled by mules. One year he went away, and the mule was still there, dragging the street car in its slow way. The next year he returned, and, lo, he saw a car coming down the street, but the mule had disappeared. It was a matter of wonder to him. He stopped on a street corner, looked at it, and then he turned to a pedestrian and said, "Boss, what is it that moves that car? What is it that sends it along without anything pushing or pulling it?" The gentleman said to him, "Uncle, that is one of the inventions of Yankee genius. They have sent it down here. That is the subtle power of electricity that sends along the car." The negro said, "God bless that ingenuity. First it comes to the South and frees the colored man, and now it comes and frees the mule." [Laughter.]

That is the advancement and progress of our age. You can not keep it back; and this opposition to the matter of the pneumatic tube might as well cease here. You may beat it; you may vote it down this year, but it is coming. It is one of the things that is demanded by the spirit of the age, by the business as it increases with the congestion in the cities.



Sir, if it is good for New York, if it is good for Brooklyn, if it is well for the Quaker City to have this pneumatic-tube service, then I say it is well also that it should be extended to Chicago, and well also that it should come South—come to us in Maryland, to the city of Baltimore.

Now, it is said that this invention is nothing more than a hole in the ground. It may be so. What is the telegraph except a wire in the air? Yet it is one of the great inventions of the century; and we could not get along without it. We can not adhere to what was done by our ancestors.

I was reminded a little while ago of an incident that occurred in the mountains. When after three generations a boy went to mill with grain in one side of his sack and a rock in the other to balance it, some one said: "Why do you carry the rock?" The boy said: "To balance the grain." "Well," said the other, "why not take out the rock and throw it by the wayside, so as to decrease the weight you are carrying? Why not divide the grain in the two sides of the sack?" But he said: "My father carried the rock; and I must adhere to it."

You can not keep back progression. There is advancement among us, and it will come. If this appropriation is to remain for New York and if this appropriation is to remain for Brooklyn, then I say the demand is but just and honest that you give it to the other parts of the country. We want it in Baltimore as well as you want it in Chicago. I shall insist as we go along that these benefits be given to all alike.

You may say that this is a benefit for the great cities only. It is not a benefit for the city alone, because whenever you benefit the great city you benefit every inch of the soil that lies outside of it. When the merchant in New York and the banker in New York have greater facilities for mail, the man who lives in the country and who is his correspondent has greater facilities also. It is for the general benefit. For that reason, I shall vote for this extension of the pneumatic-tube service, and shall demand in the future that it go to Baltimore and other great cities of this Union.

Mr. CARTER. Mr. President, it was not my purpose in the beginning to participate in this debate. The amendment under consideration was passed by the Committee on Post-Offices and Post-Roads with, I believe, only two dissenting voices. In that belief I may be mistaken; perhaps it was only one.

Mr. WOLCOTT. Mr. President, I do not understand that it is customary to state what was the vote had in a committee, but I can say that it is misstated by the Senator from Montana.

Mr. CARTER. Well, Mr. President, I will state that it was recommended by the Committee on Post-Offices and Post-Roads, and appears in the bill on the recommendation of that committee.

The chairman's address upon yesterday afternoon, delivered in his usual florid and forceful style, going beyond the bounds of what seemed to me at times the limits of prudence in making statements, caused me to make some inquiry. He challenged attention to the subject-matter of the amendment by charging in broad and ill-guarded language, I thought, that this amendment constituted a small, but nevertheless a very clear, raid upon the Treasury of the United States; that the pneumatic-tube service was unnecessary, excessively expensive, and of no especial value to the public service in the Post-Office Department. If these statements, made in substance as I have intimated, are true, then the Committee on Post-Offices and Post-Roads made a most serious mistake in recommending to the Senate the adoption of this amendment. Inquiry leads, however, to the conclusion that, as between the Senator from Colorado, the chairman of the committee, and the committee itself there is a wide difference of opinion, and that difference does not reflect credit upon the judgment of the Senator from Colorado.

It appears as a fact of record, which no Senator will attempt to controvert, that the proposition so viciously and unmercifully assailed, not with facts and figures but with ponderous declamation, has been approved with unvarying regularity by the Post-Office Department of the United States for the past three years. To assume, therefore, that this service is without value, that the appropriations for it constitute a system of Treasury looting, leads us to include the violent assumption that the Post-Office Department of the United States has been dominated by ignorance or by improper motive. I could not indulge in this assumption without some little investigation, notwithstanding the high authority of the Senator from Colorado. A little further investigation shows that by the report of another committee in another branch of the Congress this amendment was recommended, and was stricken down not by the facts appearing of record, not by a refutation of the logic of the Postmaster-General or of persons conversant with the subject-matter, but by what seemed to be an intemperate, vicious, personal assault upon certain persons said to be connected with this pneumatic-tube service.

The reputation of individuals should be dealt with with great care in a parliamentary body where the speaker, as in our system of government, is always protected by immunity from any kind

of responsibility without the Chamber for what he says within. But after analyzing all the assaults made upon the system it appears to me that that immunity, guaranteed by the Constitution, must be pretty generously drawn upon by the people who have assailed this service.

What are the facts presented by the Senator from Colorado? First, he says that if this service is of any value at all the Government ought to do the construction, or if the Government does not wish to construct, then we should say to the respective cities desiring this service: "The municipality itself may put in the tubes"—and maintain them, I suppose—"and the Government will use them just as it uses the streets now in carrying the mail along in a wagon."

Mr. President, the municipalities of the country are not going to construct wagons, or raise mules, or make harness to haul the mails of the United States through the streets, while the citizens of the country are paying for the work through every postage stamp they purchase and use. The Government of the United States is not going into the business of constructing, unless in the judgment of the people most thoroughly conversant with the question it is necessary to construct instead of rent. I believe myself that the Government will be best administered in this country with reference to every department of its service when it limits itself to the ownership of the minimum amount of property that can be made serviceable in the conduct of governmental affairs. I do not believe in the governmental ownership of railroads, because I think that freight rates are lower, passenger rates are lower, the service is better under private management in this country than under government management anywhere in Europe. Any person who has the privilege of going abroad will have a spell of homesickness immediately after encountering a European railroad train. The rates for passenger traffic are higher, and the accommodations of the first-class cars owned by the governments of Europe are not equal to the ordinary "Jim Crow" car known in the South and used by the colored people.

Take our telegraph lines. It is suggested that the Government should own and operate the telegraph lines. There is some justification for that, because it might be made a supplement to the mails, but to own tubes in the cities, to get into controversies with the gaslight companies and the sewerage system of the cities, to incur liabilities for damages to individuals and property, and to have an army of men going along repairing and looking after the tubes seems to me, for the time being, out of the question. But the Senator says unless this is done we must abandon the service, regardless of its merit. Why? Because it is a monopoly. That statement, I respectfully submit to the Senator from Colorado, is only true in some qualified sense. The facts I find from the testimony, uncontroverted, to be that there are two pneumatic-tube concerns in this country, one the Batchelor tube service. Batchelor is the inventor, apparently. He has brought the system of tubes to the highest state of perfection yet reached by pneumatic tubes. The Batchelor Company has a capital of about \$2,000,000. That is the company with which the United States up to this date has been doing business.

There is still another company in New England, with a capital of \$15,000,000. These two companies are now doing business over this country. Up to this date I believe the Batchelor Company has made the only contracts with this Government, and has constructed the only plants being operated in New York, Philadelphia, Brooklyn, and Boston. If there are—

Mr. LODGE. Do I understand the Senator to say that this is the same company that is building the pneumatic tubes in New York and Boston? I understood they were distinct.

Mr. CARTER. I understand it to be the same plan or patent. I had not reached—

Mr. LODGE. I had an impression they were wholly distinct companies.

Mr. CARTER. They may be, for aught I know. I know there is one company in New England with a capital of \$15,000,000.

Mr. LODGE. Yes.

Mr. CARTER. Then there is the Batchelor Company, with a capital of \$2,000,000.

Mr. LODGE. I was asking merely for information, because I had been told that the New England company, which put in the pneumatic tubes in Boston, was entirely distinct from the other company.

Mr. CARTER. It may be, for all the information I have on the subject.

We have to begin with the clear proposition that there is no monopoly. There are two companies, separate and distinct, and these companies manifestly have different patents.

Again, the Senator from Colorado says that this monopoly—so called by him—gives the Government no chance whatever for its life, charges what it pleases, and collects the amount from the Treasury. Is that statement correct? It can not be. This amendment proposes to do what? To authorize the Postmaster-General



of the United States to rent or purchase, and it does not command him to do either. The amendment reads as follows:

For transportation of mail by pneumatic tube, or other similar devices, by purchase or otherwise, \$725,000.

If it is best to purchase, the whole amount may be utilized for the purpose of purchasing. If it is better to rent, it may be all used for rental. If it is, in his judgment, wiser to purchase with a portion of the money and rent with the remainder, he is at liberty so to do.

But, Mr. President, we are not in this situation confined to the discretion of the Postmaster-General with reference to the renting or purchasing. I find the record to show that the Batchelor Company made two propositions to the Post-Office Department and renewed them before Congress. The first proposition was 10 per cent of the actual cost of construction to be the basis of the pay for rental, the Government to pay the operating expenses.

That is not an unfair proposition. These tubes, placed in the ground in dampness and dryness, and subject to the action of acids percolating through the ground in the crowded streets of the cities, subject to disturbance from time to time in one way or another as water mains and gas mains and sewer pipes interfere with them, subject as they are to rust and constant diminution in value, delicate as the mechanism is, requiring that it be true as the needle to the pole every moment in the day, the slightest disorder being a fatal blow, these pipes certainly constitute a class of property on which 10 per cent return is not excessive. Is it quite certain that deterioration in the value of the plant from year to year will not come pretty near being 10 per cent of the actual primary cost?

But the proposition is presented by those people to construct these plants in 27 cities of the Union, or in any number of them selected, the 27 cities having over a hundred thousand population, the construction cost to be over \$35,000,000, and after their construction to rent them to the United States at 10 per cent on the actual cost. That is the first proposition. The second proposition is that for \$2,525,000 annual rental they will furnish the Government, the company keeping up all repairs and paying all operating expenses, adequate pneumatic-tube services in the 27 cities named. The cost, as I have suggested, to erect the plants in 27 cities, their being provided with about 350 miles of pneumatic tubes, ranging from 6 to 16 inches in diameter, would be in the neighborhood of \$35,000,000. The cities embraced in this proposition having over a hundred thousand population would be New York City and Brooklyn, Chicago, Philadelphia, Boston, St. Louis, New Orleans, Buffalo, Cincinnati, Cleveland, Detroit, Milwaukee, Pittsburgh, San Francisco, Washington City, Denver, Indianapolis, Jersey City, Kansas City, Louisville, Minneapolis, Newark, New Jersey, Omaha, Providence, Rochester, St. Paul, Baltimore, and Atlanta in the State of Georgia.

Mr. SPOONER. Will the Senator pardon me? What list does he read?

Mr. CARTER. I am reading from the list of cities in which construction is contemplated, the dividing line being cities over a hundred thousand in population.

Mr. SPOONER. Is Milwaukee included in that list?

Mr. CARTER. It is included. As to these cities and the merits of this proposition, the cities I have named yield up 46 per cent of the total in revenues of the Post-Office Department of the United States. The cities yield a net profit each year to the Post-Office Department of \$19,498,438, with a net profit to be increased by accelerated speed and perfected service to an amount exceeding what the rental of the tubes would be.

It does seem to me that with these plain facts it is not sufficient to say that the wheels must be turned back, that the lumbering wagon rolling through the streets must be relied upon wholly and solely rather than to encourage the construction of these tubes at a total cost according to the estimates uncontroverted of \$35,000,000 in these 27 cities. If these tubes can be constructed this year and next year, their construction in and of itself would be a benefaction to the laboring people of the cities named. The construction would result in expediting the mails not only in the matter of collections and deliveries to the railroad trains, but in taking the mails from the railroad trains and pushing them out rapidly to the desks, and offices, and countingrooms of the cities.

I am sorry the Senator from Maine is not here. He is such a lovely debater. It is charming to hear him, even when he is opposed to you. I am sure he came mighty near causing the Senator from New Hampshire to leave the Chamber through an excess of modesty, because of the lavish praise he heaped upon him. I think he took some of the enthusiasm out of the Senator from New Hampshire and disarmed him in this conflict. The Senator from Maine made the statement that the people of this country are not interested in this proposition at all. Are they not? Take the development of the postal service referred to by the Senator from Maryland.

In the old days of Benjamin Franklin it is said the mail car-

riers stopped under the shade of the trees to read the letters they carried. The trouble was that they had a disposition to open the letters. Finally there was a demand from the business men and the growth of business affairs of the country that mail carriers should stop reading the letters and should send them on to their destination and let them be read there. A postal reform was inaugurated just about as the reform was inaugurated of lighting the streets of London two or three centuries ago. There was great opposition to that. The opposition came from two sources. The religious people, or a certain branch of them, said it was not proper to light the streets of cities at night; that it was flying in the face of Providence, because God intended that a certain portion of the day should be dedicated to darkness, and anybody who undertook to turn night into day was interfering with Providence. Secondly, the footpads said it was not giving them a fair show; that they could not run a man up an alley and do him in the face of a lamp.

There has always been and there always will be some kind of vigorous opposition to everything in the way of advance. Twenty years from now—yea, ten; yea, five—the man who will be found in either House of Congress in favor of an old lumbering wagon with a pair of mules attached, trying to poke its way through the crowded streets of New York with the mail, instead of having the mail shot at the rate of a mile a minute through a tube, will have his head examined by somebody. It will be a curious thing to find a person given to the advocacy of things so necessarily and inevitably obsolete.

The people in the mountains of Montana are interested in getting their mail out of New York City and through the crowded streets of Chicago with the utmost rapidity, whether it be the North American Review, or a letter from a friend, or a remittance from some of these unfailing friends down East. They want to get their mail as quickly as possible, and the man who gets only one letter a year is anxious to get that letter just as soon as he can after it is written and mailed.

This proposition contemplates the quick collection of mail at all centers to speed it on its way, not after it has accumulated in large bunches and become confused, one sack piled upon another, but as the letters are dropped in the box they start almost instantly toward their destination; and the letters keep going all the day long. At the other end of the line we have provided, by previous appropriation bills and more liberally still in this, for boys to take the letters after they reach the country post-office and start out through the country to deliver them to the people at once. We appropriate in this bill \$1,750,000 for rural free delivery, because after repeated experiments, one experiment extending over an entire county practically in the State of Maryland, it was found that rural free delivery not only was a great convenience to the people, but that it actually stimulated postal revenue so as to meet substantially the increased cost in consequence of its adoption. It is assumed, and I do not believe with any violence whatever, that the addition to the mails in the cities incident to speedy transit from point to point will so increase the postal revenues as to meet the rental we pay for the pneumatic tubes.

There may be in this proposition something of a kernel for opposition. I can see that certain parcel concerns, package-delivery companies, express companies, possibly, yea, telegraph companies, will see that where a letter going through the post-office will reach its destination quicker than a telegram, the telegram will not be sent. They will just send a letter, costing 2 cents, and save the trouble of sending the telegram. Yet that is what is occurring on Manhattan Island to-day. A letter posted at the Battery will reach its destination in Harlem quicker than a telegram sent from the Field Building would reach its destination in Harlem. What is the necessary consequence of that? The filling up of the tubes with mail, each letter having upon it a 2-cent stamp, and where speedy delivery is desired and the postal route used instead of the telegraph line, they will put on a 10-cent special-delivery stamp, so that when the letter reaches the distribution point in Harlem or Westchester County, wherever it may be, the boy will run out immediately with the letter.

We have in this rural free delivery through the country an example of what perfected system will do in the way of developing revenue for the service. In the State of the Senator from Maryland—I think he has investigated it and will bear me witness—the people in one of his populous counties, incited by the postmasters who were put out of office by the rural free delivery, were up in arms against the system of rural free delivery. They wanted the old-time post-office, and they felt that it was desecrating the ancient institution to remove the post-office from the neighborhood and send letters around by carriers. They wanted to go down on Saturday evening and swap stories at the post-office as of old. But, notwithstanding, in this sample county the Post-Office Department went forward, cut out the small post-offices, and put the carriers on, and sent them around from house



to house, authorized to issue money orders, to register letters, to do business at the ranch house or farmhouse, in the neighborhood of the blacksmith shop, at the crossroads.

The result was a most remarkable increase in receipts for registering letters, a remarkable increase in the number of letters mailed; and to-day, according to the report of the Post-Office Department, you could not induce the people of that county to dispense with this great convenience, notwithstanding the fact that they are practically paying for it themselves by the increase in the postal business in the community where the service is rendered. If in the country that increase can obtain because of expeditious service, are we, in the face of naught but declamation and abuse of individuals, to say that the letter shall lag in the congested streets of the city until the rumbling wagon and the mule team can force its way through? The statement of the case, it seems to me, disposes of it.

This amendment may be defeated, Mr. President; this advance in our postal system may be stayed; but it is as sure to triumph as the night is sure to follow this bright day. Yea, still further, Mr. President, I believe that this pneumatic-tube service, with ordinary development, as other devices have been developed in this country, will reach a point in the near future where letters will go through the tubes, and packages as well, from New York to Boston at the rate of a mile a minute. I can see that possibly, in view of that, there may be certain interests engaged in the express business and transportation of one sort and another that would like to retard the growth of this scheme.

In Europe, since the perfection of the system, it seems that even where things go more slowly than here, the pneumatic-tube system has been adopted. The construction is proceeding. The concurrent testimony of every officer of this Government, without an exception, who has had to do with the pneumatic-tube service, from its inception to this hour, shows that the tubular service is of immense value in handling the first-class mail, not only in expediting ordinarily, but at certain seasons of the year in the northern country, when through storm and blizzard the highways are blocked and the mails stopped occasionally, not only for one, but for two and three days at a time. The tube sends mail along through storm, smoke, fire, and trouble of all sorts. It is interfered with neither by riot nor commotion nor by any ordinary or extraordinary accident.

Mr. President, since the amendment does not require the Postmaster-General of the United States to expend one farthing, but allows him to do so, we may, I think, with reasonable confidence assume that that officer, in possession of and having available at his use the accumulated experience of his Department, will act intelligently, honestly, and soberly in the development of this new but not untried invention.

Mr. LODGE. Mr. President, yesterday and to-day I have listened with great pleasure, as I am sure that all other Senators have done, to the admirable oratory which has been displayed in behalf of the spirit of progress and the march of invention. But I have failed to connect it with the subject, for I do not understand from anything I have heard that any one desires to stay the march of invention or put bonds upon the spirit of progress.

We have this pneumatic-tube system in the city of Boston. It has been extremely useful. It has quickened the transit of the mails. We should like to have it extended. We should like a further service there. I think the prices charged have been high; but they are moderate in the extreme compared to the prices which have been charged elsewhere. I want to see the pneumatic-tube system extended, not only in my own city, but I am anxious to have it extended in other cities.

But when I listen to the statements which are made here as to the prices exacted by these companies, it is not a satisfactory answer to me to be told that in Benjamin Franklin's day the mails were carried on horseback. We want the best mail service and the fastest mail service; but we do not want to pay for the pneumatic-tube service ten times what it is worth, or ten times what it would cost the Government if the Government built the tubes itself.

I heard the Senator from Montana speak about a 10 per cent rental on the cost of these pneumatic tubes. I may be mistaken as to the bill, but I find no such limitation on this amendment.

Mr. CARTER. Will the Senator allow me a moment?

Mr. LODGE. Certainly.

Mr. CARTER. I stated that that proposition had been made to the Postmaster-General and submitted, I think, to the full committee for conference.

Mr. LODGE. Very well; it is not in the law which we are asked to make.

Now, Mr. President, as I was saying, I am desirous to have this service extended. I have no question that it is a benefit merely to the cities through which it passes, but to the country at large. I have no doubt all the citizens of the country are desirous of having the delivery and the transit of their mails made as rapid as possible.

But, Mr. President, I think we ought to be somewhat cautious before we engage in an undertaking of this magnitude after the statements which have been made as to the probable cost and after the statements which have been made elsewhere as to some of the methods used in promoting the interests of some of these companies and before we give ourselves up to them, bound hand and foot to an enterprise which is going to involve millions of dollars.

Mr. MASON. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. MASON. How are we bound hand and foot. Take Boston—

Mr. LODGE. I will tell you how we are bound hand and foot.

Mr. MASON. You do not let me state my question.

Mr. LODGE. You ask me a question and you will permit me to answer it, and then I will answer the rest. I will reply to that point first.

A few days ago we voted \$545 a ton for armor to put on three battle ships. I voted for it. I did it with the utmost reluctance. It was because we had been brought to that point where we either had to yield to the company or have no ships. I do not want to see the postal service, when we are entering upon this new field, brought to a point where the Senate will be confronted with the question, "You must either pay tribute in millions to these companies or your service will be arrested."

Mr. MASON. Mr. President—

Mr. LODGE. That is the answer to the first part of the question.

Mr. MASON. Now, I will state the last part of the question. There is no comparison between the use of pneumatic tubes and armor for our battle ships. We have wagons now, and we can go back to wagons rather than submit to anything the Government does not want to do. At the end of one year your contract in Boston runs out, and if the corporation there owning these tubes can say to the Department, "We demand exorbitant pay," it is very easy to hitch up a horse and wagon and go back to the old system. It is not like being without ships that the Senator speaks about, and it does not prevent the Government from laying tubes, if it desires to do so, because there is no city in the world that has an exclusive monopoly on the laying of tubes in the streets except one in this country.

Mr. LODGE. You can go back now, Mr. President; you can reduce the rates now; but when you have the pneumatic-tube system established in all the great cities of the country, when you have your wagon system entirely abolished, as I hope it will be, and I have no doubt it will be, then you will be at the mercy of the companies. I want to have the Government protected at the outset. I do not want to have it go on step by step, step by step, until it finds itself involved in a position from which it can not retreat without enormous loss, without perhaps paralyzing the business of the country. I am anxious, very anxious, to have this service continued. I believe it ought to be extended to other cities. But I can not, Mr. President, much as I desire it, vote for this loosely worded amendment, committing us to a great scheme of this sort, without any restriction whatsoever, without any knowledge on the part of Congress as to how the Government can build the tubes or what it will cost to build them, going blindly forward without any consideration as to the ways and means or as to the expenses in which this great scheme is bound to involve us. It seems to me to be loose and dangerous legislation.

If I voted solely from my own desire, which is to extend this service in my own city and to aid others in extending it in their cities, I should vote for this amendment and say nothing further about it. But I can not, Mr. President, consent to vote for an amendment which I believe is going to commit us to enormous expenses without some sort of restriction, without some kind of provision to see whether the Government can transmit the mails itself at better rates than these companies, without something that will assure us of protection in the future.

If I am correctly informed, the mails are carried in these tubes in Boston at an expense of \$12,000 a mile, and in New York the cost is \$37,000 a mile. These tubes are not a very intricate invention. A pneumatic tube is nothing new; it is nothing very remarkable; and here is a difference of \$25,000 a mile in adjoining cities; and to a service of which so little is known, of which the expenses are so vague, we are asked to be committed by this amendment without a single safeguard to the Government of any kind.

I am anxious to vote for a reasonable appropriation for pneumatic tubes. I am anxious to vote for some appropriation which will enable the Government to proceed intelligently in the extension of this system to all cities which ought properly to have it. But I can not vote for this amendment as it stands. I hope that the friends of the system will find some way to make an amendment which, while it will aid the extension of the system, will also prevent the Treasury from being drawn upon to an extravagant and unreasonable extent.



Mr. WELLINGTON. Will the Senator from Massachusetts yield to me a moment?

Mr. LODGE. Certainly.

Mr. WELLINGTON. I feel to a certain extent just as the Senator does in this matter. Can he suggest an amendment which will cover his objection? If so, this would be the time to have it presented and adopted.

Mr. HOAR. I have drawn an amendment which I should like to submit to the Senator and to my colleague at some time.

Mr. LODGE. I have not prepared any amendment, I will say to the Senator from Maryland, but I am in hopes that before this debate is concluded some amendment will be prepared and proposed which will make a more reasonable appropriation, and which will enable us to provide for the Government's progress in this direction under suitable safeguards.

Mr. WOLCOTT. Mr. President—

Mr. HOAR. Will the Senator allow me to suggest an amendment to the Senate before he proceeds? I wish to say that it is very hastily drawn, and must be regarded rather as a tentative or skeleton amendment than anything final, but I wish to have the principle of it before the committee that have this matter in charge. I will read it:

For execution of existing contracts for the transportation of mail by pneumatic tube—

I suppose no Senator will object to carrying out any contracts that are absolutely in force—

and such extension of such service as may be judged expedient by the Postmaster-General, and may, in his judgment, be accomplished, at reasonable cost, not exceeding in any case \$12,000 per mile, \$750,000.

I send it to the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to the amendment of the committee.

Mr. BUTLER. Let it be read again, please.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. In lieu of the committee amendment, page 17, lines 10, 11, and 12, insert:

For execution of existing contracts for the transportation of mail by pneumatic tube, and such extension of such service as may be judged expedient by the Postmaster-General and may in his judgment be accomplished at reasonable cost, not exceeding in any case \$12,000 per mile, \$750,000.

Mr. WOLCOTT. Mr. President, it has become my duty as chairman of the Committee on Post-Offices and Post-Roads, in accordance with the immemorial custom of the Senate, to assume in a certain way, charge of the bill of the committee. It has become also a duty—not a pleasing one, but one which I assume upon notice given to the Post-Office Committee at the time the matter of pneumatic-tube service was under consideration—to attempt to offset the vote of the committee so far as the appropriation for pneumatic tubes is concerned.

But having charge of this bill, I do not propose, no matter what may be the provocation, to be drawn into any sort of personal controversy over it, and for that reason I shall not think of noticing the grossly unjust and unfounded statements of the Senator from Montana [Mr. CARTER], a member of the committee, nor shall I for a moment have the slightest feeling as to the suggestions made by the Senator from New Hampshire [Mr. CHANDLER], for I know he did not mean them. When he suggested that the railroads or any other influences in the world cared a straw about this provision, he did not mean it. Neither the railroad nor any other party nor any other interest nor any other individual could have any selfish reason for opposing the appropriation.

The railroads have no more interest in it than they have as to what may be the color of the postage stamps. When the Senator from New Hampshire suggested that the fact that I and perhaps one or two other Senators were opposing the appropriation and that that to his mind was evidence that the railroad corporations did not favor it, he did not mean to be personally unkind. I hope it will help him up in New Hampshire. It does not hurt me anywhere. The Senator certainly did not intend to make that suggestion or that charge, for he knows it is not true. I am not afraid to vote with the railroad because it is a railroad. I am not afraid to vote against it because it is a railroad. I am not in favor of a man because he owns a dollar; I am not opposed to a man because he owns a dollar. Whenever I came to be governed in my judgment of public questions by any sort of hue and cry or threat that I was seeking to protect or foster some corporate or other interest I would not be fit to stay in public life.

Now, Mr. President, having disposed of the personal side of this controversy, I desire to say that throughout it all there has been but one desire on my part, and I know on the part of those who oppose this appropriation, and that is a belief that the public service will be injured by the passage of this item of the appropriation bill, and that it must end in the depletion of the Treasury of the United States without a corresponding return.

We are all interested in the statement that has been made in

favor of the appropriation, which was made carefully and fully and intelligently, by the Senator from Illinois [Mr. MASON], who gave such arguments in favor of the adoption of the pneumatic-tube service as seemed to him to be well founded. I appreciate and respect what he is trying to do for the great city of Chicago and the other cities of the country; but I do say, though with no reflection here, that this whole scheme as it has been hatched and sought to be hatched in the last few years was conceived in sin and born in iniquity, and the evidence and the hearings we have had in the last few years before the Appropriation Committees, the House Committee on Post-Offices, and the Senate Committee on Post-Offices bear out that statement to the full.

We have never been able to find out yet what it costs, at how much they put in their patents, upon what they base their charge to the Government. They organized these corporations in different cities, and it appears that one company owns a portion of the stock in each company, and then that same company comes here to the Senate and says: "We want \$500,000 more, to be spent in the discretion of the Postmaster-General;" and when suggestions were made that the new matter be eliminated and the \$223,000 be included to carry on existing contracts, we were met by the statement that it should be all or nothing. It is a bluff. They say: "We have got it in four cities. You do not dare to strike it out for four cities; you have got to put \$500,000 more into it for an annual appropriation, or we will go before the country and show that you are stopping the wheels of progress and preventing a modern invention from being put into use which facilitates the distribution of the mails."

For one, Mr. President, I am not afraid of that issue. I shall be very glad to see these contracts, improvident as they were, unequal as they were, unjust as they were, continued; but if it is all stricken out we will find new contracts on different terms.

The Senator from Iowa [Mr. ALLISON], in answer to a question, said that he understood we were under a contract. We are under a contract for four years, which expires June 30, 1901; but the First Assistant Postmaster-General of the United States says, in his testimony before the committee, that the continuance of that contract is dependent upon annual appropriations.

Now, Mr. President, that is the way the contract part of it stands. I am perfectly willing, as I know there are many Senators on this floor, to continue the existing contracts, because we have entered into them, and then at the end of them stop. We are paying \$37,500 a mile in New York because somebody had influence enough to get it. We are paying but \$12,000 a mile in Boston, but the Boston people say it has got to be doubled; and, as I said, they want 3,300 feet more, for which they want \$45,000 a year. I say, before we go further, the Government of the United States ought to have some knowledge in the breasts of its officials as to how payments for pneumatic service shall be based if the Government is not to transact the business itself.

When we have asked the Postmaster-General and his officials about it we have never yet been able to ascertain that there exists in that Department the slightest knowledge on the question of pneumatic service. Senators here say we can trust the Post-Office Department; that you can trust their integrity. But if you can trust their judgment, you have got to obliterate the past and trust to the future, for what sort of a judgment can it be that will pay \$37,500 a mile in one city and \$12,000 a mile in another, and pay an entirely disproportionate figure for the operation of a line between the general post-office (New York) and the Grand Central station, and another line between the general post-office and Brooklyn, and still a different sum in Philadelphia?

Mr. President, up to this time it has not been shown by anybody that the use of the pneumatic tube has facilitated the service except in a slight degree. In the great city of New York it has facilitated twelve minutes between one railroad station and the main post-office. The Senator was mistaken when he said it struck three stations en route between the general post-office and the Grand Central station. It does not. It commences at the Produce Exchange and goes to the general post-office and then goes through to the post-office station near the Grand Central Depot. That is the service, and it is twelve minutes faster, and only twelve minutes faster, than the ordinary slow wagon delivery.

When we are confronted with the proposition that there shall be an extra payment of postage—which there ought to be if the pneumatic service is to be continued—we are compelled in this country to make answer that up to this time the pneumatic service, which costs us \$223,000 a year, does not facilitate any business that would warrant the expectation that we would receive 10 cents a day extra postage for carrying letters; we do not facilitate letters enough. The testimony of the officials of the Brooklyn post-office disclosed the fact that the tube does not expedite from that office for some trains—for instance, the 9 o'clock train—to exceed an average of 100 letters; that is, for the difference in the closing time for the wagon service and the closing time for the tube service through the New York office during that period there would not be an average accumulation of 100 letters.



We are told it is a great public necessity, recognized by everybody. Is it? Every board of trade will say, "Certainly; if you can give this to our city, we want it." Denver is one of the 27 cities, of course, and there are two Senators from Colorado. They would have it in Denver, and everybody in Denver says, "Why, of course, let us have the pneumatic service; it is a big thing." We have not got any further in it yet than a provident suggestion of the distribution of certain stock of the company in and about that city. That is as far as it shall get with me until I know something more about it.

The postmasters, we are told, favor it. The postmaster of the city of New York, when the subcommittee of the postal commission waited upon him two years ago, said he thought it was of no value, and yet his conversion has come since. We are told what it will do in the city of Chicago, and the postmaster of Chicago is cited as advocating its establishment in that city. I wish to call the attention of the Senate to what the postmaster of Chicago said in a letter to the Post-Office Department February 26, 1898, not after a cursory investigation, but after a careful and exhaustive examination of the pneumatic-tube service in the cities of Boston, New York, and Philadelphia. I will read a part of it, and I will read it quickly. I will give the whole letter to be published:

When at Washington, almost a year ago, you requested me to make a thorough study of the pneumatic-tube system and to report to you what I thought of the system and the possibility of its introduction here. Since this conversation I have been at New York, Philadelphia, and Boston, and in each place made a careful examination of the pneumatic-tube system.

Here is what he says, the same postmaster who is there now in the same city:

I am free to say that I am not ready to recommend the introduction of the pneumatic-tube system at Chicago. While I am quite willing to admit that the dispatch of letters through tubes presents some points of improvement, yet the pneumatic system is exceedingly weak because of the fact that it is efficient in part only and offers no advantages in the general dispatching of mail. As yet I have seen no comparison which gives in concrete form the saving in time effected by the dispatching of letters through pneumatic tubes as against the time taken up by the methods now in use. As the pneumatic system will undoubtedly prove much more expensive than present methods, I think it is essential that the actual gain in time should be demonstrated. The determination of the relative speed of systems should be based on the time required to transport mail from the distributing table at the general post-office to the railway post-office cars.

He then compares it with the electric system or the cable system which is in use here in Washington, and he says it is infinitely better. There are no tubes in operation with a greater diameter than 8 inches. The proposal is 10 inches. The postmaster of Chicago says that will not do any good. He says we carry 80 tons a day from our post-office to the railway station. He says if you should put in an electric car like that between the Library and the Capitol it would be of some good.

You have got to send the second-class mail out by the train and you have got to gather some of that up late; but in any event you have got to save the carriage of the whole of it if you are going to make much of a saving. He says if you can provide a pneumatic tube 48 inches in diameter it will be worth while, but if you can not make it 48 inches thick it is not worth touching and it is not worth attempting; and he shows that as here by electric service he can send it quicker and cheaper than by the pneumatic service in the city of Chicago. He says that there are 250 tons that go from train to train.

Mr. President, where you are going to use pneumatic tubes that facilitate service between trains you can only go as fast as your slowest mail, because the mail that goes out by connecting train takes the second-class mail matter as well as the first-class mail matter. It does not help you any to bunch a few letters and send them ahead of the general mail. You have got to take the whole mail here; and there are 250 tons a day that are transferred at the stations in Chicago between the East and the West; and the postmaster at Chicago in his letter to the Postmaster-General here says that there is no pneumatic-tube service yet invented that would not break down under that attempt.

GENERAL POST-OFFICE, CHICAGO, ILL.  
February 26, 1898.

SIR: When at Washington, almost a year ago, you requested me to make a thorough study of the pneumatic-tube system, and to report to you what I thought of the system and the possibility of its introduction here. Since this conversation I have been at New York, Philadelphia, and Boston, and in each place made a careful examination of the pneumatic-tube system. The conditions in the three cities are not the same, and I kept this point in mind because I felt that the differences in conditions would have a direct bearing on the system when it came up for consideration in connection with the Chicago postal service.

I am free to say that I am not ready to recommend the introduction of the pneumatic-tube system at Chicago. While I am quite willing to admit that the dispatch of letters through tubes presents some points of improvement, yet the pneumatic system is exceedingly weak because of the fact that it is efficient in part only and offers no advantages in the general dispatching of mail. As yet I have seen no comparison which gives in concrete form the saving in time effected by the dispatching of letters through pneumatic tubes as against the time taken up by the methods now in use. As the pneumatic system will undoubtedly prove much more expensive than present methods, I think it is essential that the actual gain in time should be demonstrated.

The determination of the relative speed of systems should be based on the

time required to transport mail from the distributing table at the general post-office to the railway post-office cars. If pneumatic carriers travel from the post-office to the Union Depot at 30 miles an hour they are two minutes in transit. If it requires ten minutes to load and unload the carriers and to pouch the mail the actual speed between these points is twelve minutes. If, on the other hand, the cable or electric system could take pouches and sacks, and could convey them from the post-office to the postal car at the rate of 12 miles an hour, including the time for loading and unloading, the actual speed would be five minutes, or seven minutes less than the time taken by the pneumatic system. I offer this illustration merely for the purpose of covering a feature of the discussion which is very often overlooked.

The Chicago office is as desirous as any office in the country of securing improvements in its service, but it is conservative enough to desire only those improvements which are of lasting character, and which will prove of permanent benefit. What we desire most of all is a system which will provide a safe, sure, and rapid means of dispatching all of our mail. It is felt that it is just as essential to provide a means for the prompt, regular, and safe dispatch of second, third, and fourth class mail as it is to provide similar desiderata in the dispatch of first-class mail.

During my study of the question of securing better facilities for the transportation of mail I was confronted by the fact that in addition to the pneumatic tube there are two other systems which, in their general bearing on the question, seemed to offer better facilities for the transportation of mail. There is the underground electric system, by which mail is dispatched in cars operated automatically on tracks buried below the surface of the street or sidewalk. There is also another underground system operated by cable and employing carriers which load and unload automatically. The latter system, I understand, is the system employed in conveying books from the Library of Congress to the Capitol at Washington.

Competent engineers have assured me that both the electric and the cable systems are practical and can be operated with success, and possibly at even a less cost than the pneumatic-tube system. The advantages of either the electric or cable system over pneumatic tubes are apparent at a glance. In using the pneumatic tube the post-office is forced to adapt its methods of performing its work to the capacity of a tube. In other words, all mail has to be reduced to packages of common dimensions in order that the tubes shall be available at all. Should an 8-inch tube be used the mail would have to be made up in parcels to fit it, and so in the case of a 6 or 10 inch tube. The cost of operating pneumatic tubes increases in geometrical ratio with their size, so that it follows that the use of a tube large enough to take a sack 48 inches in diameter seems out of the question. Should, however, it be possible to use a tube equal in dimensions to the sack mentioned, then I grant that the pneumatic tube would be in a position to compete with other systems.

Turning to a consideration of the electric or cable system, a different set of conditions is noted. The car used on either of the systems is of dimensions sufficiently ample to carry a No. 1 jute sack or a No. 2 leather pouch stuffed with mail. So far as the transportation of mail is concerned there would appear to be as little difficulty in conveying mail by electric or cable cars as there is with our present street railway post-offices or messenger wagons. The advantages of sureness, safety, and speed, of course, ought not to be lost sight of in connection with these systems. By the use of either electric or cable cars there would be no necessity for any change in the methods of the post-office, because these systems conform to the methods of the post-office, and do not, as in the case of pneumatic tubes, oblige the post-office to rearrange and remodel its methods.

In order fully to bring out the points in connection with this subject, I beg to hand you herewith a map showing the business center of Chicago, on which the situation of the general post-office and railway depots is marked. Broadly speaking, the business center is bounded on the west by Halsted street, on the south by Sixteenth street, on the north by Chicago avenue, and on the east by Lake Michigan. Still further to limit the district, the bounds might be placed on the east at Lake Michigan, on the north at Kinzie street, on the west at Canal street, and on the south at Twelfth street. Within the last district are situated the principal railroad depots, the temporary post-office, the site of the new post-office, Station U, and Substation 5d.

Any consideration of the usefulness of the pneumatic tubes as compared with the usefulness of cable or electric cars (underground, of course) should be taken up in connection with the postal service as it exists within the limits of the district defined. Whatever is decided on for this district will naturally be extended to the outlying stations, because whatever is of benefit to the first is of benefit to the second. In New York and Philadelphia the pneumatic tubes, I understand, are largely used to convey local collections to the general post-office. In Chicago the general post-office is the center on which the collections converge. The problem, therefore, in Chicago is the dispatching of mails to and from the general post-office and the railroad stations, and from the general post-office to the postal stations.

I might add, too, that the transfer of through mails from depot to depot is a subject which has a direct bearing on any plan aiming to accelerate the transportation of mail. About 80 tons of local mail are interchanged every day between six principal railroad depots and the general post-office. To transport any large quantity of mail through pneumatic tubes in any reasonable time it is necessary that the mail should proceed in a regular manner. If, for instance, 10 tons of mail were set down in front of the opening of a pneumatic tube in our temporary post-office and there were just half an hour to make the connection at the Union Depot, three-quarters of a mile away, I venture to say that connection could not be made.

On the other hand, if these same 10 tons of mail were loaded on wagons at the temporary post-office, and the wagons then driven to the Union Depot, the connection could be made within the time specified. Such would also be the case if electric or cable carriers were used. In the use of pneumatic tubes bulk would have to be broken at one end and restored at the other, and these things would constitute a bar to the successful connection of the mail. In the case of the wagon, the electric, or cable systems bulk would not have to be broken, and there would be an orderly progression. To transfer 10 tons of mail in a short time, a tube would have to be large enough to convey a good-sized package. I understand that the largest tube that can be used in order to make the pneumatic system commercially profitable is a 10-inch tube.

A tube of such size would be of little value to the Chicago post-office, because it would be confronted every day with just such situations as I have described in my illustration. Between the hours of 6 and 9 p. m. most of our mail is received for dispatch. If it were feasible to use a tube 48 inches in diameter, it would be possible to send one of our largest sacks of mail through it. Under such circumstances the compressed-air system would be of practical benefit, but under no other. In contrasting the practical character of the pneumatic-tube system with the electric or cable system, the former appears more in the nature of a toy than of a useful piece of mechanism.

Either the electric or cable system would do for the post-office what is now accomplished by messenger wagons and the street R. P. O.'s. Our messenger service, in round figures, costs \$74,000 per annum; the street R. P. O.'s, \$11,000 per annum, and our wagon collection service, about \$50,000 per annum. These figures are approximates and do not include the salaries paid to clerks and others. The street R. P. O. and messenger service cost about \$85,000 a year.



Probably one-fifth of the amount paid on the collection contract is spent in the business district. There is, therefore, about \$95,000 available as a basis for computing the amount to be paid in rental for a system which would convey mail between depots and the general post-office and bring to the general post-office the mail taken from boxes by the collectors.

The electric or cable systems could transfer all classes of mail; they could also convey the mails picked up by the collectors. The pneumatic-tube system could do neither of these things. Operating stations under an electric or cable system would necessarily be established at the principal railroad depots, and on these the collection service could be centralized. It is hardly necessary to enlarge on the extraordinary improvements that could be made in the service by the operation of either of these systems. The mails would move backward and forward with celerity, and the collection service would be doubled in efficiency.

It would not be proper to overlook the question of transferring mails from depot to depot in the consideration of this matter. Chicago connects with the East and the West, and it is the great heart of the railroad service on this continent. Here the mails of the East are received at one depot and carried to the depot which connects with the West. The mails of the West, in like manner, are received and connected with the East. The best obtainable figures show that 250 tons of mail are transferred each day from depot to depot. Wagons now make this transfer, and, of course, the mode of progression is exceedingly slow and not conducive to quick connections.

A pneumatic-tube service would go to pieces in the presence of this mighty mail. An electric or cable service would be equal to such an emergency, and the mail could be transferred with as much rapidity and safety as if the trains from the East ran directly to the depots in which the trains going West are made up. The effect of an improved system of transferring through mails upon the business of the country is worth our best thought. Anything that will more closely connect the East with the West and the West with the East is certain to commend itself to the business interests of the country.

Possibly in the consideration of a change of service before Congress—if it should be considered there—the fact that the proposed improvement or change in our transportation service is not intended merely for the benefit of Chicago, but, in some degree, has for its object the improvement of the mail service of the whole country, would have the result of lifting the question to a higher plane of discussion than if it were merely a suggestion to give Chicago a better transportation service than it has at the present time.

In this report I have not attempted to deal with the details of the question so far as it affects Chicago, but I have merely desired to make some general suggestions which seem to be opportune. I am of the opinion that there yet remains to be evolved a system of local transportation of mail which will be as complete in its way as that given to the cities of the country by the Railway Mail Service. The subject as yet is in a tentative stage, and while experiments have been made, no particular path has been selected as the one upon which we should proceed. The pneumatic-tube system has been experimented with, and it has been found to have advantages. The cable system has been tried in Washington, and it appears to have the capacity to do for all mail what the pneumatic tube does for first-class mail. The electric system possibly can do the work as well as the cable system, for I see no reason to imagine that an electric underground railway can not do what the trolley now does on the surface of the earth.

The question is undoubtedly a large one, and no positive steps should be taken without the fullest consideration of all plans and systems, so that when a system or plan is adopted there will be no doubt that it is the one best suited to the service. In order to arrive at a proper conclusion a thorough study of the various systems should be made. The pneumatic tubes at Philadelphia, New York, and Boston and the cable system at Washington should be studied by men who are expert in postal work, and the advantages or disadvantages of the system should be brought out and carefully analyzed. Further than this, it might be expedient to cause an examination to be made of the systems employed in the large cities of Europe for the speedy transportation of mails.

I understand that London, Paris, and Berlin each have some sort of pneumatic-tube service, and as the system in those places has been in operation for some time, the practical experience of those who operate it may have led them to form conclusions of value to us. In order that this vast field may be properly explored and nothing left undone that ought to be done, I would recommend the appointment of a postal commission to examine and report on the various systems of transporting local mails in use either here or in Europe. The subject is one of such importance that I think it well worthy of the most minute, careful, and painstaking investigation, and I believe that the work of such a commission would be of untold value to the postal service of the country, and would lead to an era of development undreamed of at this time.

Very respectfully,

CHARLES U. GORDON,  
Postmaster.

Hon. JAMES A. GARY,  
Postmaster-General, Washington, D. C.

Mr. President, you would think from hearing the arguments here that all the letters and all the mail matter in the country was going to be started in a tube and that in two seconds it was going to be at its destination. In the first place, but 5 per cent of the mail matter in the country is first-class matter, and less than 85 per cent of any of this 5 per cent of mail matter is carried in these pneumatic tubes; it does not reach 10 per cent in any city of the amount of mail distributed in that city. That gives you some idea of what we are asked to pay \$223,000 for.

We have had a lot of offers here, but until the Chicago sun rose on the horizon the Batchelor Company were making a very good fist of it in New York and Philadelphia in the way of extension. They made some proposals to the committee of Congress here, and they made proposals to the Post-Office Department to connect the substation on the west side of New York with 8½-inch tubes, which they agreed to do for \$172,500. For the entire pneumatic-tube service in New York we would be paying \$158,000 and \$172,000, or \$330,000.

Then the city of Philadelphia, which may be a little slow, perhaps, in some things, but which has not been slow in this, came and wanted a hearing. They said they wanted an extension right away of 18 miles, which would cost \$125,000 per mile, or \$2,250,000 for the 18 miles. They said they would exact from the Government \$318,000 a year rental for what would cost them \$2,250,000, in addition to the sum we are already paying them.

The Senator from Illinois seems to think that no doubt Chicago is going to get this service; but the testimony before the committee shows that 80 miles of pneumatic tube would be required in Chicago; and how far would your \$500,000 go? There would not be any of it left for any other city.

Mr. MASON. It was 40 miles.

Mr. WOLCOTT. I thought it was 80 miles.

Mr. MASON. Not for the tube service.

Mr. WOLCOTT. Well, say 40 miles. How far would the \$500,000 go in the building of 40 miles? They may make a start with a few hundred feet in each city in order to induce further appropriations of money; and meanwhile nobody connected with the business and nobody at the Department, except the owners of the patents and the companies that control them, can tell how much it costs, how it will work, and what they will rent to the Government for. When they assume to make a proposition that they would rent for 10 per cent of the cost, they do not state what the cost will be, and they do not tell you what price they will put on their patents; and we can not find out.

So here we are, utterly helpless and powerless in the face of these monopolies, who say, "Give us \$500,000; trust to the Postmaster-General, and you can not get the worst of it." We are getting the worst of it, or else somebody in Boston is getting the worst of it. If we are not overpaying in New York, we are grossly underpaying in Philadelphia and Boston; and in Philadelphia they say they are operating at a profit.

The Second Assistant Postmaster-General has stated to us that he does not know what the service costs; that he does not know the value of the patents, and when it comes to making contracts with the companies he has to pay what the companies are willing to charge.

I say, if there ever was a governmental service in the world, if there ever was a service which must be exclusively for the Government, it is this service, for it conveys the mail between a Government building and a post-office station; it starts on Government property and ends on Government property, and is for the exclusive use of carrying letters. If there is anything that ought to be conducted by the Government, it is that.

Mr. HOAR. I believed my amendment, and I certainly supposed the amendment of the committee, to refer to the question of transportation of the mail in pneumatic tubes.

Mr. WOLCOTT. "For the transportation of the mail by pneumatic tube, or other similar devices, by purchase or otherwise."

Mr. MASON. By rent, purchase, or otherwise.

Mr. HOAR. The phrase is "by purchase or otherwise;" and I believe that is intended.

Mr. WOLCOTT. It never has been so exercised; and I will tell the Senator from Massachusetts how we can get a pneumatic-tube service. You can not lay the pneumatic tube unless you procure a franchise from the city in which it is to be laid.

Mr. HOAR. Why not?

Mr. WOLCOTT. Because we can not go and condemn the streets in a city. The Government would not like to go and ask a city to adopt an ordinance for that purpose. The Government of the United States has never requested the passage of ordinances by municipalities for the purpose of laying pipes.

My idea of the proper thing to do is that we should suggest to a city: "Tender us a municipal franchise to build under, and then we will take that franchise and construct the lines." Or, if the cities are public spirited enough to say, "We want the pneumatic-tube service, for it builds up the business of our merchants, our commerce, and our trade," then we can say to them, "If you will secure the right of way over which you have jurisdiction and then put in the pipes, we will let you operate the system in all the cities of so much population at 3 or 4 per cent on the cost."

Mr. HOAR. In regard to what the Senator said just now about our not going and asking a city to furnish us a franchise to build pneumatic tubes, the whole postal service contradicts it. If I understood the Senator aright, that was his proposition. Every post road in the United States established by the Government is a post road created and built by State or municipal or county authority.

Mr. WOLCOTT. I do not want to be diverted from the discussion, but I appreciate what the Senator from Massachusetts says. Is the Senator of the opinion that the Government of the United States should begin and dig up Broadway, in New York, from the Battery to Union Square? That is what will have to be done in order to lay these pipes.

Mr. HOAR. That is not my proposition. The Senator's proposition, as I understood it, and to which I addressed my remarks, was that we could not accept from the municipalities franchises to lay down pneumatic tubes.

Mr. WOLCOTT. No; I do not take that position. The Senator entirely misunderstood me, or perhaps in my haste—for I am hastening to get through to save the time of the Senate—I may not have made my idea clear.



Mr. HOAR. That was what I understood the Senator's proposition to be—that we could not dig up Broadway. I agree with the Senator as to that; but we must have a proceeding in condemnation.

Mr. WOLCOTT. This is not a new question. The Committee on Appropriations three years ago, and again two years ago, when it put a provision in the bill for this purpose, put in a warning provision calling attention that no further appropriation should be made unless upon the enactment of a law covering the operation of pneumatic-tube lines. It was put in with that distinct understanding, and with a realizing sense that the Post-Office Department was utterly powerless to deal with this question.

Any city in the country that wants to secure a saving of a few minutes in the conduct of its mail service, every organization, every citizen, every merchant, and every corporation in that community will be urging Congress to adopt this service because it may be of a little advantage to them. But if we start in now and pay \$725,000 a year, we shall be simply opening the door to endless jobbery and the endless construction of pneumatic-tube service that will swamp the Post-Office treasury to the extent of millions and millions of dollars. We lose nothing by going slow.

The postmaster at Chicago wrote a letter saying that they do not need this service. He said you would not save time by having it. Nobody has any trouble in getting his mail at Chicago.

The Senator from Illinois said it might make a difference of twenty-four hours in a letter from Chicago to New York, or two weeks to Europe.

Mr. MASON. I did not say to Europe. I said to South America.

Mr. WOLCOTT. Well, to South American ports a difference of two weeks. That simply means that if a man does not write his letter in time he will not get it off in the ship which sails before he mails it. That is all that amounts to. The argument in favor of this is no more than an argument in favor of moving an office near to the Forty-second Street station so as to get your letter in the box just before the whistle blows. Of course a man who does not take proper precautions to get his letter mailed in time is a man who does not attend to his business. You might just as well say, "If you do not write your letter and put it in the post-office by half past 9 o'clock, when a fast steamer leaves at 10 o'clock, it will not go."

The idea that we should pay \$500,000 a year in order that from ten to twelve minutes may be saved on a small percentage of 5 per cent of the total mail of the country, in a very limited area and in a few cities of the United States, it seems to me need only to be stated in order to be refuted.

I desire to say, further, Mr. President, that with me this is nothing. I care no more about this amendment than I do about anything else that comes before the Senate, except that I believe it to be my duty to oppose it to the end, because I believe it augurs only ill for the future of our Treasury, and the morale and revenue of our Post-Office service.

We have year after year been trying to close up a deficit in the Post-Office Department, and are gradually accomplishing this. We are all looking forward to the day when 1-cent postage may come. We are trying to do that, and at the same time increase the salaries of our employees, as we have done in this bill many hundreds of thousands of dollars. We have made great increases; we have increased the salaries of clerks; we have increased the salaries of railway post-office clerks, and we have appropriated additional amounts, because the increase of the use of the mail justifies us in doing so. You open the door to this specious attempt to get at the Treasury, and the day is far off when the difference between your receipts and expenditures will be as small even as it is to-day.

Mr. CLAY. Mr. President, with the permission of the chairman of the committee, I desire to offer an amendment to this bill, and I will ask the Secretary to take it down. Strike out all after the word "each," in line 16, and all of lines 17, 18, 19, 20, 21, 22, 23, 24, and 25 on page 18, and lines 1, 2, 3, and 4 on page 19, and insert in lieu thereof the amendment which I will ask to have printed in the RECORD. I shall not ask that it be read now.

The proposed amendment is as follows:

Amendment intended to be proposed by Mr. CLAY to the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901.

Strike out all after the word "each," in line 16, page 18, and after page 19, down to and including line 4, and insert the following:

"That on and after the 1st day of July, 1900, employees of the Post-Office Department known as railway postal clerks shall be divided into 10 classes, and be paid according to the following rates per annum: First class, not exceeding \$800; second class shall receive \$900; third class shall receive \$1,000; fourth class shall receive \$1,100; fifth class shall receive \$1,200; sixth class shall receive \$1,300; seventh class shall receive \$1,400; eighth class shall receive \$1,500; ninth class shall receive \$1,600; tenth class shall receive \$1,800."

The Postmaster-General may, however, at his discretion, temporarily reduce the salary of any clerk as a penalty for delinquency or misconduct in such sum as he may deem necessary for the maintenance of discipline and efficient service; such reductions to be based upon a demerit system, which shall be uniform throughout the service.

That the original appointments to the position of railway postal clerk shall

be made to class 1 for a probationary period of six months from the date of the same, less such time as the appointee may have performed service as a substitute clerk, as provided by the postal laws and regulations and the civil-service laws and regulations; and no permanent appointment shall be made before the expiration of the probationary period, and then only when the appointee shall have shown himself proficient in his duties, fully competent to perform the same, and has made a satisfactory record.

Promotions shall be based solely upon efficiency, faithfulness, and good conduct, and the clerks must serve at least six months in each class before being promoted to a higher class: *Provided*, That on lines upon which full railway post-office cars have been authorized by the Postmaster-General a clerk appointed to a crew of five or more shall, after having passed the probationary period, be appointed a clerk of class 2, and if he proves himself proficient in his duties and has made a satisfactory record, he shall, within a year after receiving his permanent appointment, be promoted to class 3, and shall not be further promoted unless there is a vacancy in a higher class; but if he is appointed to a crew of 2, 3, or 4 clerks, and continues to make a satisfactory record, then he shall be advanced one grade each year until he shall have reached the maximum class of the lowest grade in the car to which he is assigned, as hereinafter provided for.

On lines upon which full railway post-office cars have not been authorized by the Postmaster-General, where but one clerk to a car is appointed to perform the duties, and who runs an average of 110 miles or more per day, he shall be of class 5.

If the daily average of miles run is less than 110 and not less than 100, the clerk shall be of class 4; if less than 100 and not less than 90, the clerk shall be of class 3; if less than 90 and more than 80, the clerk shall be of class 2. If the average distance run is 80 miles or less, the clerk shall be of class 1, and the salary shall not be less than \$10 per annum for each mile of the daily average of miles run: *Provided*, That the clerks of these classes, assigned as above, are employed exclusively by the Post-Office Department.

On lines upon which full railway post-office cars have not been authorized by the Postmaster-General, where more than one clerk is assigned to duty in a car, the additional clerks shall be of classes lower than the clerk in charge, except where the clerk in charge is of class 1, and in no case shall such additional clerks be of a class higher than class 4. Where helpers are assigned to duty on such lines they shall not be of a class higher than class 3.

On lines upon which full railway post-office cars are run by the order of the Post-Office Department, and to which two clerks to a crew are assigned, there shall be one clerk of class 8 and one clerk of class 6 or lower, as hereinafter provided for.

On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which three clerks to a crew are assigned, there shall be one clerk of class 8, one clerk of class 6, and one clerk of class 5 or lower, as hereinafter provided for.

On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which four clerks to a crew are assigned, there shall be one clerk of class 8, one clerk of class 6, one clerk of class 5, and one clerk of class 4 or lower, as hereinafter provided for.

On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which five or more clerks to a crew are assigned, there shall be one clerk of class 8, one clerk of class 6, one clerk of class 5, one clerk of class 4, and others of class 3 or lower, as hereinafter provided for.

On lines where more than one distributing car is run in a train there shall be two additional clerks of class 6 for each additional distributing car.

The clerk receiving the highest salary in any crew will be designated clerk in charge.

Clerks employed on steamboat lines shall be of class 1; the salary to be determined by the amount of work to be performed and whether they are employed exclusively by the Post-Office Department.

Clerks employed as porters in railway post-offices shall be of class 1, and shall be paid a salary not exceeding \$900 per annum.

The General Superintendent may, when necessary, detail clerks of such classes as the character of the work may indicate to duty at important railway junctions; such clerks to be designated as transfer clerks in charge and assistant transfer clerks; and it shall be their duty to look after the handling and transfer of mails at railroad depots and perform such other work pertaining to the Railway Mail Service as may be required of them. When more than one clerk is needed for such duty at the same depot, the additional clerks shall be of classes below class 7, but in no case shall more than one clerk of the same class, above class 3, be so detailed at the same depot.

Such clerks as may be assigned to duty in charge of one or more lines shall be of class 9, and be designated as chief clerks.

There shall be one clerk detailed to duty in the office of each division superintendent, who shall be designated assistant division superintendent, Railway Mail Service, and who shall act as division superintendent in the absence of that officer. Such clerk shall be of class 10.

There may be detailed to duty in the office of the General Superintendent and of each division superintendent of Railway Mail Service as many railway postal clerks, in the judgment of the General Superintendent, as may be necessary to transact the business of those offices properly; but there shall be but 1 clerk of class 10 detailed to duty in the office of each division superintendent.

No clerk shall receive less salary after the passage of this act than he was receiving prior thereto, and no clerk shall be reduced from a higher to a lower grade after his assignment thereto unless such salary or grade is properly reduced by reason of his inefficiency to perform the duties of such higher grade, unless temporarily reduced as a penalty for delinquency or misconduct, as hereinafter provided for, or unless the status of the line to which he is assigned may be so changed by the reduction of mileage, withdrawal of full railway post-office cars, reduction of force, or otherwise, as to bring him within a different class, as provided in this act, or unless he be transferred from one line to another at his own request or in the interest of the public service.

Mr. MASON. Will the Senator please state the substance of the amendment?

Mr. CLAY. It is for a reclassification of the Railway Mail Service.

I desire also to accompany that amendment, and to be printed in the RECORD, a letter addressed to me by Mr. White, the General Superintendent of the Railway Mail Service, fully explaining the amendment, pointing out its advantages, etc., and also an extract from the report of the Second Assistant Postmaster-General for 1899, relating to the reorganization and reclassification of the Railway Mail Service as provided in the proposed amendment submitted by myself. I will not ask that that amendment be taken up this evening.

The PRESIDENT pro tempore. Without objection, the papers



presented by the Senator from Georgia will be printed in the RECORD in connection with the proposed amendment.

The papers referred to are as follows:

POST-OFFICE DEPARTMENT,  
OFFICE OF GENERAL SUPERINTENDENT  
RAILWAY MAIL SERVICE,  
Washington, D. C., May 15, 1900.

DEAR SIR: Replying to yours of May 10, asking for information in regard to a proposed amendment which you intend to offer to H. R. 10901, the same being the Post-Office appropriation bill, I have the honor to state as follows: First, suggesting that, in lieu of striking out the whole item of the Railway Mail Service, commencing on page 18, line 11, and ending with and including line 2, page 20, you, instead, commence your amendment after the word "each," in line 18, page 18, striking out from the word "each," in line 16, to and including the word "each" in line 17, same page, and striking out all after the word "each," in line 18, page 18, to and including line 4, page 19. The 11 assistant division superintendents are provided for in your amendment and should therefore be struck out of H. R. 10901, while the matter remaining is not provided for in your amendment, but should be given authority of law.

You state that you have been informed that I have time and again recommended the adoption of this reclassification which you handed me, and that you also understand that the Department for many years has recommended that this change be made.

In response thereto I beg to state that such is a fact. In regard to the Department recommending that this change be made, I inclose herewith extracts from my report for the year 1895, and also extract from the Second Assistant Postmaster-General's (Mr. Shallenberger's) Report for 1899. The Postmasters-General and the Second Assistant Postmasters-General have since 1890 recommended this reclassification of the Railway Mail Service.

Speaking of your amendment, I would suggest that you strike out, after the word "clerks," in line 5, page 6, all of that line after that word and all of lines 6, 7, and 8; also, after the word "ten," in line 13, page 6, all of that line after that word and all of lines 14, 15, and 16. This because the expenses of the chief clerks and assistant superintendents are provided for in the regular bill as reported from the House, which item of expenses we suggest you let stand. Also, strike out lines 24 and 25, page 6, and lines 1 and 2, page 7; this also being provided for in H. R. 10901.

I have thought it advisable, in order to facilitate your understanding the matter, to prepare a draft of the bill to take in all these suggestions with your amendment, and now herewith inclose it to you.

You further state that you desire to know what will be the difference in the cost of the service in the event that your amendment is adopted in comparison with the bill as it now exists. In reply thereto, I wish to state that your amendment would cost about \$1,188,980 more than H. R. 10901 as it now stands.

You further ask what will be the amount of increase in the present bill now pending in the Senate for the Railway Mail Service over the (appropriation) bill for the preceding year. The appropriation for the year ending June 30, 1900 (the year approaching its close), was, including a deficiency of \$50,000, \$8,846,000, and the contemplated appropriation in H. R. 10901 is \$9,800,200, making an increase of \$953,200. This increase is made up of the following items, in connection with the fourth of which certain facts will be stated which, in the opinion of this office, should be given consideration:

For acting clerks in place of clerks injured on duty.....	\$25,000
For acting clerks in place of clerks to be granted leaves of absence who work six days in the week or more, fifty-two weeks in the year.....	50,000
Last year the appropriation for this purpose was \$31,000. It was found that this sum was insufficient to permit the Department to grant leaves to all clerks who were entitled to them under the act; consequently the Department was compelled to make restrictive decisions, with the intention of keeping within the appropriation, but has found, notwithstanding these, that there will be a deficiency of \$1,600 at the end of the present fiscal year. Of course the Department will not exceed the appropriation; it will simply decline to grant enough leaves to cover the \$1,600 referred to.	
For expenses of chief clerks and railway postal clerks traveling on business of the Post-Office Department.....	15,000
For increases of service, promotions due clerks under existing law, and to cover about 245 additional appointments, which we were unable to make because of lack of money.....	538,200

The different division superintendents sent in their estimates for additional force greatly needed, amounting in all to 395 clerks. These estimates did not come in until after our deficiency of \$50,000 had been passed. We could not appoint more than 150 clerks for lack of money, and were therefore compelled to meet the emergency by requiring our clerks to perform a great amount of extra labor. This condition is still in effect, but, try as we may, there is mail being delayed for lack of sufficient force to handle it. It therefore remains with us to make these 245 appointments as soon as next year's appropriation becomes available, which will be June 1, 1900; consequently we can fairly say that the money to provide for these appointments is not available for the legitimate increase of force during the next fiscal year. The service has been growing very rapidly; the mails increasing beyond all anticipation, increased frequency of service has been made necessary upon many lines in the country, and many promotions have been held up for lack of funds to make them. All these things have demonstrated to the satisfaction of the Post-Office Department, and especially those who are in charge of the Railway Mail Service throughout the country, the importance of a large appropriation which will be available for additions and improvements in the service. It should be borne in mind that our appropriations have never been large enough to place the service upon such a footing as public interests demand, and we desire before the coming fall to place every railway post-office in the United States in a position to dispose of the mails received by them, so that none may be delayed in transit, nor the clerks in charge of them be required to endure such hardships as we were compelled to impose upon them during this last winter and the preceding winter.

Amount included in H. R. 10901 which was heretofore paid out of the appropriation for transportation of mails by railroads.....	148,400
This item includes \$2,200 for increased salaries for assistant division superintendents.	
For increased salaries of railway postal clerks as contemplated under H. R. 10901.....	186,600

The amount necessary to be appropriated under your amendment would be \$10,908,000.

Very respectfully,

JAMES E. WHITE,  
General Superintendent.

Hon. A. S. CLAY,  
United States Senate, Washington, D. C.

Extract from the Report of the Second Assistant Postmaster-General for 1899 relating to the reorganization and reclassification of the Railway Mail Service, as provided for in the proposed amendment to be offered by Senator CLAY.

Reorganization and reclassification: The bill for the reclassification of the clerks of the Railway Mail Service, which has been before Congress for some time and is referred to at length in the report of the General Superintendent, should appeal more strongly than ever to the favorable action of Congress at its coming session. The last reorganization occurred in 1881. Many important changes have occurred in the service since that date.

Present salaries are not equitably adjusted to the nature of the work performed. Higher grades of work call for additional classes to secure proper supervision. In comparing salaries and compensation of the clerical force it must be remembered that salaries of railway postal clerks include the per diem or travel pay. The net compensation, after deducting extraordinary expenses of travel, is in many cases inadequate to support their families and properly educate their children. As a result, applications for transfer to clerical positions in the Department and in the local post-office are numerous and pressing.

Notwithstanding the increased cost of living in a large city, railway postal clerks are willing to accept transfer at a reduction of from \$100 to \$250 per year in salary. Several such transfers have been made to this office within the past year. Clerks in local positions are at home with their families. They avoid the risks incident to exposed travel; save wear and tear of clothes and other incidental expenses. In foreign countries a specific allowance is made to all officials and clerks who travel.

In Great Britain railway postal clerks are taken chiefly from the London office, and when under such detail receive from 30 to 80 per cent increase in salary. In France a specific allowance for travel expenses ranges from \$140 to \$300 a year, which amounts to from 15 to 40 per cent increase in their regular salaries. In Germany a graduated allowance is made, based on the number of miles traveled, number of hours at lie-over points, etc. Indeed, in the case of all other government officials and clerks in this country the necessary traveling expenses are provided for by an allowance of from \$2 to \$4 per day.

If the present salaries of our clerks seem higher than those prevailing in foreign countries, it must be remembered that the amount of work performed by one clerk in our service equals the work of two and sometimes of nearly three clerks in European countries. For instance, the number of railway post-office cars reported in France is 468, and the number of clerks performing service in them 2,852, an average of over 6 clerks per car. As compared with this, in our country we have 7,662 railway postal clerks performing the service in 3,506 cars and apartments, an average of 2.13 clerks per car.

The great advertising interests of this country and their publishing houses may well be required to pay approximately the cost of handling the immense volume of mail thrown upon postal clerks in recent years. In that event the salaries of clerks might be readjusted, a proper reclassification secured, and the deficit disappear within the same fiscal year. A surplus, indeed, would remain to justify needed improvements and betterments in postal administration.

Extract from the report of the General Superintendent of Railway Mail Service for 1899, relating to the reorganization and reclassification of the clerical force of the Railway Mail Service.

The views of this office with respect to the reorganization and reclassification of the Railway Mail Service have been made known in its annual reports for 1890, 1891, 1892, 1893, 1894, and 1895, which in each instance were approved by the Postmaster-General.

The subject has been given more or less consideration by both Houses of Congress, and a bill embodying the view of the Department has passed the Senate several times and has also been approved and reported upon favorably by the Committee on the Post-Office and Post-Roads of the House, but thus far it has not been acted upon by the House as a whole.

In the annual report of this office for the fiscal year ending June 30, 1895, appears a bill to reclassify and prescribe the salaries of railway postal clerks. The bill was approved by the Postmaster-General, and after being somewhat changed was introduced in the House by Mr. Linton, of Michigan, as H. R. No. 1, and referred to the Committee on the Post-Office and Post-Roads of the House December 2, 1895, and ordered printed. Before the committee reported, it submitted the amendments to the Postmaster-General, who, as I remember it, replied that, while the Department believed the bill submitted by it provided for a just and equitable reclassification, no objection would be raised if Congress in its wisdom deemed it advisable to amend the bill as per their suggestions to him. However, after further correspondence on the subject, a bill was prepared by Senator BURROWS, of Michigan, and introduced in the Senate on April 6, 1895, where it was read twice and referred to the Committee on Post-Offices and Post-Roads of the Senate.

In support of the reorganization and reclassification of this service many reasons have been advanced in previous reports. Some contemplated directly the betterment of the condition of those employed in it, such as the equitable adjustment of salaries in accordance with the character of the work performed, the hazardous nature of their occupation, as exhibited in the casualty table on a preceding page of this report, and the statements made by some insurance companies that the occupation is considered especially hazardous and is classed among the risks not assumed, and the extra expense incurred in keeping themselves clothed respectably and in board and lodging while absent from their homes on their regular tours of duty.

It is a well-known fact to those who are in the least familiar with the duties of railway postal clerks that their clothing becomes soiled, worn, and threadbare much sooner than that worn by those engaged in other pursuits where personal appearance indicates to some extent the characteristics of the employer and employed, and it is evident that their living expenses are greater than those whose homes and places of business are in close proximity, because the living expenses of the clerk's family are as large during his absence as when at home. And when absent his own expenses nearly equal those of his family.

These items should be given weight in determining the salary he should receive, as should the fact that the demands made upon his physical, mental, and nervous systems shorten the earning period of his life, and it is not reasonable to base the salary to be paid an employee upon his actual living expenses incident to emergencies liable to arise in every family, or to purchase the necessities of life after he has become, through accident or otherwise, unable to earn anything. An intelligent, faithful and competent railway postal clerk ought to be paid sufficient to enable him to save enough to purchase a modest home, to educate reasonably well his children, and to provide himself and wife with the comforts of life in their old age.

The extent of the duties performed by the clerks at present as compared with what was required of them formerly can not be better shown in this report than by making the following quotation from the annual report of this office for the fiscal year ending June 30, 1895, with such changes as to bring the comparison up to date:

"The last reorganization took effect May 1, 1881. During that year the



mails were carried on 91,569 miles of railroad; the annual miles of railroad and steamboat service aggregated 103,521,229; clerks at work in railway post-offices traveled in crews 70,684,211 miles, and distributed 2,533,070 pieces of ordinary matter."

In 1896 mails were carried on 172,794 miles of railroad; the annual miles of railroad and steamboat service aggregated 196,764,279; clerks at work in railway post-offices traveled in crews 170,800,361 miles and distributed 11,931,449,240 pieces of ordinary mail matter.

The increase of work had made necessary a corresponding increase in the hours of duty. The time the trains to which they are assigned are in transit between the initial and terminal points of their runs in no case represents the number of hours they are on duty, for on important lines they commence their labors five or nine hours before the trains are due to depart, and on those of less importance from one to six hours.

In the earlier days of the service this was unnecessary because the distribution could be accomplished in most cases while the trains were in transit, and, as it was less extensive and complicated, such constant study and application as are now absolutely necessary was not then essential; and yet there was a time when clerks of classes 4 and 5 were paid more liberally than at present.

The fact that as the service has increased in extent and importance it has been necessary from time to time to revise, develop, systematize, and add to the methods of conducting it, and that this has largely increased and complicated the work and responsibility of those charged with its management, should not be lost sight of in considering any scheme of reorganization and reclassification.

The bill referred to makes provision for increased supervision in the creation of classes 9 and 10, which are to embrace only those employees who participate in the responsibility for the character of the service, see to the enforcement of discipline, discover, investigate, and as far as possible correct irregularities in the conduct of the clerks and in the distribution, dispatch, and transportation of the mails. It also recognizes, by the creation of three other classes, 6, 7, and 8, and by changing the classification of clerks on certain lines, the justice of regulating the salaries of employees according to the character of the service they render, the hazard inseparable from their occupation, and the expense they incur in the discharge of their duty.

Mr. CARTER. Mr. President, the genial chairman of the Committee on Post-Offices and Post-Roads seems to take umbrage at some words that he believes I uttered, but which he did not and can not specify as casting any reflection upon that committee. The only reference made by me while addressing myself to this amendment, in reply to the Senator from Colorado, referred to the fact that the Committee on Post-Offices and Post-Roads of the Senate have recommended this appropriation.

That statement was a mere statement of fact; and if it ruffled and disconcerted or in any way injured the usually amiable temper of the eminent Senator from Colorado, he must quarrel with the facts and not with the person who announces them. I regret that he did not undertake to specify the particular language wherein reflection upon the committee was made by implication or by direct phrase. I am sure, when undertaking to specify, he would have found the language to which he referred wanting in the RECORD and would have been compelled to wind up with an apology for making a baseless charge of the kind he made.

I attribute this not to any disposition upon the part of the Senator from Colorado to be unjust. I think he was wanting in a cause, and the committee apparently thought so, because they reported against it. That they had a perfect right to do, and they have a right to suffer with perfect equanimity and to receive in charitable style the innuendoes and abuse heaped upon this committee in this Chamber by their honorable chairman. I acquit him of any intention to say an unkind word of his committee or any member of it. I think in the heat of debate, for want of something better to say, he felt inclined to blame the committee for having reported favorably upon the amendment. Beyond that, the whole matter is groundless and unworthy of further comment.

Mr. MASON. Mr. President, they say that Shakespeare never repeats, but the Senator from Colorado is not Shakespeare by a good deal. If I should reply to his speech this afternoon, I should have to repeat the reply I made to his first speech and the speech that he made some years ago. He has it stereotyped and has run it off on this occasion.

The letter which he quotes from Mr. Gordon, the postmaster, was written when he was first appointed, or shortly after he had taken his place as postmaster. I talked with him fully about it, and he then knew as much about postal affairs as the distinguished Secretary of the Navy who is mentioned in history, who discovered after his appointment that a ship was hollow. [Laughter.]

The Senator from Iowa does not hesitate to vote to pay the railroads the price fixed by the Postmaster-General, because he says we can trust him; yet when it comes to the proposition to extend the pneumatic-tube service, which offers to carry the mail three times as fast and at half the price that we pay the railroads for carrying the mail, the distinguished Senator from Iowa sits down, with crocodile tears glistening on his cheeks, and tells how much he wants to do for Chicago. The only man in Chicago who approves of his course here is the man who gets \$100,000 a year for drawing the mail wagons around the streets.

Now, to be fair about it, I will suggest an amendment that ought to please everyone, even those who suspect that the Treasury is to be looted, with the Postmaster-General on guard. It is substantially the amendment offered by the Senator from Massachusetts [Mr. HOAR]. I do not know whether it satisfies anybody or not, but it answers the proposition that in the city of

Chicago we are going to try to rob the Treasury. I propose this proviso:

*Provided, however,* That in any contract the Postmaster-General may make for the extension of the pneumatic-tube system, the rental for said service shall in no case exceed 10 per cent of the actual cost of construction and maintenance, plus the actual cost of operation.

I offer that as an amendment. If we vote on it, and it can be adopted without any further objection or discussion, I shall be glad to have it done to-night; otherwise I think it would be well to have the amendment printed and voted on to-morrow, say at 1 o'clock. I should like to have the Secretary read it. I drew it hurriedly.

The PRESIDENT pro tempore. The pending question is an amendment offered by the Senator from Massachusetts [Mr. HOAR]; and if the Senator's amendment is an amendment to that, it would not be in order now. The amendment can be printed.

Mr. MASON. It will be in order at some time.

Mr. HOAR. My amendment is a substitute for the committee amendment. The Senator adds a proviso which merely perfects it, before my amendment comes in order, as I understand. I may be mistaken.

Mr. MASON. It amends the committee amendment. I can, however, redraft the whole committee amendment and offer it as a substitute. My idea is this: Gentlemen are here saying that these companies want extravagant prices. I do not want them to get extravagant prices; and if they do not furnish the service at that rate, then we will have to go without the service. It provides a just appropriation, and it limits the Postmaster-General to pay only 10 per cent of the actual cost.

Now, we have already in this very bill a proposition to pay the people who supply the canceling machines used in the post-offices of the country. We have been paying as high as 90 per cent for the use of the canceling machines, and the Government undoubtedly made money in doing that, because those machines cancel more stamps than the 90 per cent we pay for them. In other words, it was a saving to the Government, for the service they rendered paid the whole value of the machine every year.

The proposition I make is not 15 per cent, which we fix as the price to be paid for the canceling machines, but that the Postmaster-General shall make no contract or pay for any rental exceeding 10 per cent of the actual cost of construction and maintenance, and let the Government operate it themselves or pay the actual cost of operation.

We want the pneumatic tube. I believe we can get it in this way. If the company are not satisfied to accept these terms, we will go without it in Chicago.

The PRESIDENT pro tempore. The Chair would like the attention of the Senator from Massachusetts for one moment. Did the Senator move to strike out and insert?

Mr. HOAR. I moved my amendment as a substitute.

The PRESIDENT pro tempore. Then the amendment of the Senator from Illinois [Mr. MASON] will be in order at the present time. To perfect the portion which the Senator from Massachusetts proposes to strike out is not an amendment in the second degree.

Mr. MASON. Of course there can be no objection to that amendment. It limits the price to 10 per cent of the actual cost.

The PRESIDENT pro tempore. The Senator from Illinois offers an amendment, which will be stated.

The SECRETARY. On page 17, line 12, after the word "dollars," it is proposed to insert:

*Provided, however,* That in any contract the Postmaster-General may make for the extension of the pneumatic-tube system, the rental for said service shall in no case exceed 10 per cent of the actual cost of construction and maintenance, plus the actual cost of operation.

The PRESIDENT pro tempore. Is the Senate ready for the question on this amendment?

Mr. WOLCOTT. No, Mr. President; I think that amendment will need some discussion. Does the amendment propose to pay 10 per cent of the cost of the line, plus the cost of operation?

Mr. MASON. Yes.

Mr. HOAR. Let the amendment be read again.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment.

Mr. MASON. Let the word "annual" be inserted before the word "rental," so as to read "annual rental."

The PRESIDENT pro tempore. The Senator from Illinois modifies the amendment by inserting the word "annual" before the word "rental."

Mr. TILLMAN. I believe our 3 per cent bonds are at a premium.

Mr. WOLCOTT. The 2 percents.

Mr. TILLMAN. The 2 percents are at a premium? It does look like it is very absurd to ask this Government to agree to pay annually 10 per cent on an investment which is as necessary, if it is necessary at all, as the post-office building. If the Senator from



Colorado does not want to say anything further, I think we had better lay the amendment on the table.

Mr. WELLINGTON. I should like to call the attention of the Senator from South Carolina to one fact. He will observe that the United States bonds do not depreciate by wear and tear. They are the same in value when they mature as when they are issued. I do not think he will say that a plant of this kind is as valuable at the expiration of forty years as when put in.

Mr. TILLMAN. If the Senator from Maryland thinks this a valuable method of transmitting the mail, and will provide in this bill, by an amendment, for an experiment of Government construction and operation, so that we can test it by our own officers as to what it costs to build and maintain the system, I will vote for such a proposition; but I am not in favor of leasing from any corporation anything of this sort, which must be permanent if it is any good at all.

If he wants the pneumatic service at Baltimore and other large cities, and the Post-Office Department will give him authority to construct a pneumatic-tube service in one city, and Congress appropriates a reasonable sum of money once for all to see what it costs and what it is worth, I can then see some sense in it; but this is another proposition to fasten upon this Government a set of leeches to suck perpetually and for all future time a given amount of taxes out of it. I am opposed to the whole scheme.

Mr. WOLCOTT. Mr. President, it is evident that we can not finish the discussion of this amendment to-night. Of course it is discouraging, because there are certain notices given for tomorrow at 2 o'clock or soon thereafter. I should like to give notice that to-morrow, at the conclusion of the morning business, I will ask the Senate to take up the bill, and if it is not finished to-morrow it will have to go over until Monday.

JAMES U. CHILDS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4688) granting an increase of pension to James U. Childs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James U. Childs, late second lieutenant Company H, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DISTRIBUTION OF SUPREME COURT REPORTS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 2489) to provide for the further distribution of the reports of the Supreme Court.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORGAN. I wish to inquire of the Senator from Massachusetts if the bill makes any provision for United States courts in the Territories?

Mr. HOAR. It does.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WARRIOR RIVER BRIDGE, ALABAMA.

Mr. MORGAN. I ask consent to call up the bill (S. 4494) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 5, page 2, after the word "route," to insert:

Upon which, also, no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge.

So as to read:

*Provided, That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge, and the United States shall have the right of way for a postal telegraph across said bridge.*

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 13, after the word "construction," to insert "or after completion;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PRESERVATION OF GAME BIRDS.

Mr. KEAN and Mr. COCKRELL addressed the Chair.

Mr. KEAN. I desire unanimous consent to call up a bill.

Mr. COCKRELL. I give notice that as soon as the bill which the Senator from New Jersey intends to call up is passed—if I do not object to it—I shall move an adjournment.

Mr. KEAN. I know the Senator from Missouri will not object to the bill I shall call up.

Mr. COCKRELL. I say if I do not object to it, I shall move that we adjourn as soon as it is passed.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 19, 1900, at 12 o'clock meridian.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, May 18, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### JAPANESE IMMIGRATION.

Mr. SHATTUC. Mr. Speaker, I desire to call up a privileged report from the Committee on Immigration and Naturalization.

The Clerk read as follows:

Whereas it has been reported in the public press that a large number of Japanese have landed within the past few months at Pacific ports of the United States and at ports of British Columbia with the intention of entering the United States: Therefore,

*Resolved,* That the Secretary of the Treasury be, and hereby is, directed to transmit to the House of Representatives any information which may be in the possession of the Commissioner-General of Immigration regarding the number of Japanese immigrants who have entered the United States in each year of the five years last past; the number who have entered during each month of the present year; the number of such immigrants who have become American citizens or who have declared their intention of becoming such; the character of employment secured and followed generally by such immigrants; the rate of wages paid such immigrants as compared with the wages paid American citizens for the same class of service.

The SPEAKER. The question is on agreeing to the report.

Mr. RICHARDSON. How does this resolution become privileged?

The SPEAKER. This is a resolution of inquiry which is reported back, and which it is proposed shall be laid on the table, because a similar one passed the House a few days ago.

Mr. RICHARDSON. What is the motion now?

The SPEAKER. That the resolution lie on the table.

Mr. RICHARDSON. A similar resolution has already passed?

The SPEAKER. A similar resolution has already been adopted on motion of the Committee on Foreign Affairs.

Mr. ROBINSON of Indiana. I should like to know whether the other resolution is as full as this, which I believe asks for information in regard to wages, etc.

Mr. SHATTUC. Perhaps it is not altogether as full. This resolution asks how many Japanese have become citizens of the United States, when in fact none can become citizens under our law.

Mr. ROBINSON of Indiana. The gentleman thinks that the purpose will be accomplished by the resolution already adopted?

Mr. SHATTUC. I think so.

Mr. HITT. The resolution already adopted by the House called for all the information that the Department had on the subject; and a report in response to that resolution has come in.

Mr. ROBINSON of Indiana. There has been a very large immigration of Japanese recently; many thousands have come in; and I think we ought to have very full information.



Mr. SHATTUC. It is the unanimous recommendation of the committee that this resolution lie upon the table.

The question being taken; the resolution was laid on the table.

SARAH W. ROWELL.

The SPEAKER laid before the House the bill (S. 2497) granting an increase of pension to Sarah W. Rowell; returned from the Senate with the information that the Senate had disagreed to the amendments of the House, and asked a conference.

Mr. LOUDENSLAGER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and STANLEY W. DAVENPORT as conferees on the part of the House.

ELLA COTTON CONRAD.

The SPEAKER also laid before the House the bill (S. 1619) granting an increase of pension to Ella Cotton Conrad; returned from the Senate with the information that it had disagreed to the amendments of the House, and asked a conference thereon.

Mr. LOUDENSLAGER. I move that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT as conferees on the part of the House.

JULIA M'N. HENRY.

The SPEAKER also laid before the House the bill (S. 1781) granting an increase of pension to Julia MacN. Henry; returned from the Senate with the information that it had disagreed to the amendments of the House, and asked a conference thereon.

Mr. LOUDENSLAGER. I move that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT as conferees on the part of the House.

BRIDGE OVER MISSOURI RIVER AT PIERRE, S. DAK.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre, and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.

The amendment of the Senate was read, as follows:

Page 4, line 21, after "War," insert "and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation."

Mr. BURKE of South Dakota. I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. BURKE of South Dakota, by unanimous consent, obtained leave of absence for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. MAHON. I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar under the order for to-day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HEMENWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills upon the Private Calendar, bills reported from the Committee on War Claims having precedence. The Clerk will report the first bill.

OLIVER M. BLAIR, ADMINISTRATOR.

The first business was the bill (H. R. 2156) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oliver M. Blair, administrator of Thomas P. Blair, deceased, late of Cumberland County, Pa., the sum of \$32,000, being for 25,000 bushels of oats at 80 cents per bushel, and 12,000 bushels of corn at \$1 per bushel, sold and delivered to the United States Government.

Mr. MAHON. Mr. Chairman, I should like the attention of the committee. This is an important bill. If no gentleman desires to hear anything about it, I will move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUD. Well, Mr. Chairman, I think the report ought to be read or some explanation made.

Mr. MAHON. I am willing to make an explanation, if I can have order.

The CHAIRMAN. The committee will be in order.

Mr. MAHON. Mr. Chairman, I wish to say that this bill is one

of the most meritorious bills that has come before the Committee on War Claims during the eight years that I have been a member of that committee.

Mr. Blair lived in the Cumberland Valley before and during the war. After the battle of Antietam, the Army being along the Maryland line, that country was relied upon by the quartermasters to furnish supplies and stores for the Army. Colonel Ashmead was the quartermaster of that department. There is no doubt about the facts in the case, which I will briefly state. The only difficulty arose over a question of law in the Quartermaster-General's Department.

Mr. Blair, under orders of Colonel Ashmead, purchased this property for him, had it in his warehouse, had this grain in Government bags, marked "U. S." It was to be shipped to Hagerstown, as per the orders of Colonel Ashmead, but Mr. Blair received an order from Colonel Ashmead not to ship the grain to Hagerstown, but to hold it; that the enemy had crossed the Potomac River, and it might be dangerous to send this large amount of grain up toward Hagerstown. Mr. Blair held the grain, and a few days afterwards, while McClellan's army was at Antietam, General Stewart, with Confederate raiders, unexpectedly crossed Raccoon Ford and swept around with his cavalry, found this grain which had been purchased for and which was under the orders of the Union Army at Shippensburg and took the grain away. This claim was filed in 1863 by Thomas P. Blair in the Quartermaster's Department. I have in my hand a letter from the quartermaster, written at Harrisburg, which I will read, as follows:

HARRISBURG, PA., June 22, 1863.

Mr. J. P. BLAIR, Shippensburg.

SIR: The grain you contracted to deliver me through Oaks & Linn you will ship immediately to this place. Cars will no doubt go up the road by to-morrow morning, and you will load heavy so as to get it off the faster. Send a bill of lading with each shipment, so that I may know the contents of each car as it arrives. Telegraph me on receipt of this how much you have.

Very respectfully,

ALBERT S. ASHMEAD,

Lieutenant and Acting Assistant Quartermaster.

Let the bags be sewed if possible.

Mr. Blair received this order, and before he could get this grain to Harrisburg, in accordance with it, the Confederate raiders captured this property on the side track. There never has been any dispute as to Mr. Blair's loyalty. I knew him personally and knew him well. He was a most excellent citizen, a man worth about thirty to thirty-five thousand dollars, engaged in the warehousing and grain business in the little town of Shippensburg, some 11 miles below my city. He purchased this grain and paid the cash for it.

What did the Quartermaster's Department decide? The whole question hinged on a question of delivery. There was no other question in that department. It has been there during all these years until it came to Congress.

I will submit to every lawyer on the floor of this House, to my friend from Massachusetts [Mr. MOODY], and to my friend from California [Mr. LOUD], and to every other lawyer, that it has been decided in our State courts over and over again, and the precedents can be found by the thousand, that when a man purchases under a contract for another man, the moment that the person for whom the goods are purchased undertakes to control them, puts his earmarks on them, that is a delivery. That has been held by the United States Supreme Court. The Quartermaster-General's Department, who are not law officers and not lawyers, have never held that. I am not going to cite many authorities, but here is the case of Hatch vs. The Oil Company, in 100 United States Supreme Court Reports, page 124. At page 136, in the opinion of Mr. Justice Clifford, are cited numerous cases, among which the following is entitled to special attention. Judge Clifford cites the case with approval and as an argument to sustain the opinion which he delivered. The quotation of Judge Clifford is as follows:

Examples of the kind are numerous in cases where the goods are not specified, and the decided cases show that if the seller subsequently selects the goods and the buyer adopts his acts, the contract which before was a mere agreement is converted into an actual sale, and the property passes to the buyer. One hundred quarters of barley out of a bulk in a granary were agreed to be purchased by the plaintiff, he having agreed to send his own sacks, in which the same might be conveyed to an agreed place. He sent sacks enough to contain a certain part of the barley, which the seller filled, but, being on the eve of bankruptcy, he refused to deliver any part of the quantity sold, and emptied the barley in the sacks back into the bulk in the granary. Held, in an action brought to recover the whole amount, that the quantity placed in the sacks passed to the purchaser, as that part was appropriated by the bankrupt to the plaintiff. (Aldridge vs. Johnson, 7 E. and B. 885; Browne vs. Hare, 3 H. and N., 484; s. c. 4 id., 821; Tregeles vs. Sewell, 7 id., 573.)

This case is on all fours with that of Nicholas J. Bigley, for the payment of which Congress appropriated \$42,611.50 (see 30 Statutes, page 1178) on the 3d of March, 1899. The circumstances in the Bigley case are set out in full in House Report No. 346, Fifty-first Congress, first session. Bigley was attempting to deliver coal to the United States at Memphis on his own steamer *Hercules*. While engaged in that undertaking, the ship and barges



were sunk by the Confederates and totally lost to the complainant. The court allowed \$52,000 in payment for that coal. Then we have the Grant case, where the United States inspector inspected goods and marked them with the letters "U. S." in St. Louis and Kansas City. Grant tried to get those goods into Texas, and they were captured in 1861 by Confederate raiders, and it was held that he was entitled to be paid for the goods.

Mr. LOUD. Will the gentleman yield there?

Mr. MAHON. Yes.

Mr. LOUD. Does not each one of these cases which you have cited depend wholly upon the terms of the contract, which might not have been applicable to this case?

Mr. MAHON. No, sir.

Mr. LOUD. The question is what the terms of this contract were.

Mr. MAHON. Let me read to you from the testimony of Colonel Ashmead, who was the quartermaster:

*Testimony of Albert L. Ashmead, taken this 11th day of March, A. D. 1897.*

[Questions by the notary public.]

Q. What is your age? Where do you reside? Are you related to the claimant in this case? Have you any interest, direct or indirect, in this claim?

A. I am in my sixty-third year, and reside at Jeffersonville, Montgomery County, Pa. I am not related to the claimant and have no interest in this claim.

Q. Were you a captain and assistant quartermaster of volunteers, and how long did you serve?

A. I can not give you the dates, but I was captain and assistant quartermaster until the middle of November, 1865, and I was quartermaster of the Twenty-ninth Pennsylvania Volunteers from about the commencement of the war until I was promoted and made captain and assistant quartermaster.

Q. As captain and assistant quartermaster in the spring and summer of 1863 where were you?

A. I was in Chambersburg, Pa. I had charge of the purchase of forage for the department of Pennsylvania.

Q. Did you ever give a firm by the name of Oaks & Linn, of Chambersburg, authority to purchase oats and corn along the line of the Cumberland Valley Railroad; and if so, was the authority written or verbal?

A. I did give them authority, but I can not say whether it was verbal or written. I think it was verbal.

Q. What was the contract?

A. It was to purchase forage, not only corn and oats, but hay, if they could get it, and all the grain that was purchased I was to furnish bags for on account of the Government.

Q. Did you know T. P. Blair?

A. I do know him.

Q. Did Oaks & Linn contract with him for you?

A. Yes.

Q. Were you to send the cars for this grain?

A. I was. I was to furnish cars as fast as the grain could be furnished. The original destination of the grain was Hagerstown, but when the invasion of the State took place I had to change it to Harrisburg.

Q. Do you know that Mr. Blair was prevented from sending this grain for want of cars?

A. Yes; I understood that Mr. Blair had a large amount of grain collected and I had sent him a number of bags, showing that I was ready to take it. These were Government bags.

Q. Did Mr. Blair do all that he could to comply with the contract?

A. Mr. Blair saw me in Reading, Pa., and he told me he had collected a large quantity, which I knew to be the case.

Cross examined by counsel:

Q. With whom was the contract for this grain?

A. With Oaks & Linn.

Q. To whom did you give contracts?

A. With the parties themselves. Oaks & Linn would notify me; then the parties would send me the bill of lading. Oaks & Linn were my agents to procure from the parties having it grain for the use of the Government; in other words, they were my agents to purchase, and the settlements I made with the parties who furnished the grain.

Q. Did you notify Blair and other parties where to deliver the grain, etc.?

A. No, sir; as soon as delivered in the cars I sent it to where it was needed. My contracts were to have the grain delivered in the cars which were sent to their warehouses, and I then sent the loaded cars wherever they were needed.

Q. Did you settle by voucher or payment for all the grain you received at Chambersburg while quartermaster?

A. Yes.

Q. Do you know of anything else material to this claim?

A. There is no doubt that Mr. Blair had collected large quantities of grain in consequence of this contract, and as I was as anxious to get the grain as he was to deliver it, the cars would have been sent to him in ample time had it not been for the invasion of our State by the Confederates, and therefore the nondelivery on the cars was not Mr. Blair's fault.

Now, Mr. Chairman, I want to say this: I am familiar with all the claims in that country. This is the only one of that kind there, and I want to say that the House need have no fear that others will follow. For all the immense quantity of grain purchased by the quartermaster up in this magnificent valley no other claim is on file. It was only this man's grain that failed to escape the raiders.

Under the decisions of the courts that was an absolute and unqualified delivery. Here is the acknowledgment of the quartermaster and of Oaks & Linn that this grain was purchased and lost in this way. Thomas B. Blair, who was acting for the Government and had complied with his contracts, had this grain ready in bags for shipment, and it was lost through no fault of his. Surely he should not be made to lose this large amount of money.

Mr. LOUD. Let me understand from the gentleman what figure Mr. Blair cuts. Mr. Blair was not the authorized agent of this quartermaster, was he?

Mr. MAHON. Oh, yes.

Mr. LOUD. I thought Oaks & Linn were the purchasing agents.

Mr. MAHON. Oaks & Linn would look about to see what men had grain, and the quartermaster purchased it. Oaks & Linn would simply report to him. You will find from the testimony that the quartermaster then dealt directly with the men who furnished the grain. He did not pay Oaks & Linn. They were simply quartermaster's agents to look around for grain and forage and report to the quartermaster where it could be purchased. They did not do the purchasing for the quartermaster.

Mr. LOUD. Oaks & Linn were the agents of the quartermaster to purchase this grain, were they not?

Mr. MAHON. No; they were simply the agents to tell Colonel Ashmead of the people in that community who could furnish grain. He came there as an Army officer and a stranger.

Mr. LOUD. The gentleman says this is a legal claim?

Mr. MAHON. Yes.

Mr. LOUD. Why do they not go to the Court of Claims and recover?

Mr. MAHON. Why, these people have been in the Quartermaster's Department for thirty-five years. There is no question about the facts.

Mr. LOUD. When was the claim rejected by the Quartermaster's Department?

Mr. MAHON. In 1884, finally; and then they came to Congress. I want to say to the gentleman from California that Thomas P. Blair is dead. He has left two daughters and a son, who are poor. I found this claim in the Quartermaster's Department. The claimants do not live in my district, but in the district adjoining. This is the only claim that I have brought into this House in the eight years that I have been in Congress, and I have brought it here in good faith, believing that this Congress would pay these people for this grain.

Mr. FLETCHER. How much was this?

Mr. MAHON. Thirty-six thousand dollars.

Mr. LOUD. Of course the fact that he has left some heirs is not a factor in this case. If it be a legal claim, is Congress the body in which to determine the matter?

Mr. MAHON. Why, certainly.

Mr. LOUD. I do not think so.

Mr. MAHON. When all the facts are ascertained? The Court of Claims would not find anything but these facts. There is no question about that, and they would submit their finding to Congress.

Mr. LOUD. If it was a legal claim, the Quartermaster's Department would have paid it.

Mr. MAHON. No, sir; that department, as I said, did not construe that that was a delivery; and the gentleman will admit that any court in Christendom would have declared it was a delivery between man and man.

Mr. LOUD. I guess that would depend wholly on the terms of the contract, which the gentleman does not seem to be able to get. He simply reads a portion of the testimony.

Mr. MAHON. He was to purchase the grain per contract. He purchased it, and put it in their bags; and that was a delivery. This warehouseman had cars of his own, and the evidence shows that he was told by his chief clerk he had better put this in his own cars and ship it, and he declined to do so because, he said, it belonged to the Government, and he would not ship it.

Mr. LOUD. I would like to have the gentleman point out to me whether the Government ever was in possession of this grain. He could not expect the Quartermaster's Department would refuse to pay a claim when they had received the grain.

Mr. MAHON. The Government did not get the use of these goods. They were destroyed before they had taken control of them; but it was put in their bags.

Mr. LOUD. And the gentleman thinks that proves that it was in their possession?

Mr. MAHON. Yes, sir.

Mr. LOUD. I would like to see where it appears in the testimony.

Mr. MAHON. Here is the original letter of the quartermaster:

HARRISBURG, PA., June 22, 1863.

SIR: The grain you contracted to deliver me through Oaks & Linn you will ship immediately to this place. Cars will no doubt go up the road by to-morrow morning, and you will load heavy so as to get it off the faster.

He was anxious about the Confederate raiders.

Send a bill of lading with each shipment, so that I may know the contents of each car as it arrives. Telegraph me on receipt of this how much you have. Very respectfully,

ALBERT S. ASHMEAD,  
Lieutenant and Acting Assistant Quartermaster.

Mr. J. P. BLAIR, Shippensburg.

Let the bags be sewed if possible.

Now, I want to say to the gentleman that the cars never got there, because the same night that letter was written the Confederate raiders passed down and the grain was seized.

Mr. LOUD. Hence it was never shipped, and never came into the possession of the quartermaster.



Mr. MAHON. Let me call attention to the testimony of Lieutenant Ashmead, where he says he was to furnish the cars to place the grain in.

Mr. McCALL. That was the quartermaster, so that it would be a failure on the part of the Government if he undertook to furnish the cars and did not do so.

Mr. LOUD. A reasonable time would be considered by the court. But let me say again, if this bill was a legal claim, why not go to the courts; why come here?

Mr. MAHON. We can not go to the Court of Claims; you could not get any judgment there.

Mr. LOUD. You could get consent to send it with that authority.

Mr. MAHON. They would only certify to the facts.

Mr. LOUD. You could authorize them to render a judgment.

Mr. MAHON. This is not under the Bowman Act.

Mr. LOUD. This is not a legal body.

Mr. MAHON. It ain't!

Mr. LOUD. There are too many lawyers in it.

Mr. MAHON. The minute that the grain was put into the Government bags they took control of it, and there was a delivery. This man purchased the grain for the Government and made a delivery. The delivery was made thirty-five years ago, and his representatives have not asked a dollar of interest on this money.

Mr. LOUD. Then why was it not paid?

Mr. MAHON. Because the Quartermaster's Department held that it was not delivered. No lawyer or judge in this country would hold that.

Mr. LOUD. But it could be delivered if it was in the bags. Where does it appear in this evidence that it was in Government bags? I have not heard that.

Mr. MAHON. I have the testimony that it was in Government bags somewhere. I yield five minutes to the gentleman from Wisconsin [Mr. OTJEN].

Mr. OTJEN. Mr. Chairman, I just want to add a few words in favor of this claim to what has already been said by the chairman of the Committee on War Claims. I believe that this claimant presents a just claim for payment. He had a contract—

Mr. LOUD. Will the gentleman allow me there? I asked the gentleman from Pennsylvania a question. He sat down. Has the gentleman yielded to you to answer that question as to where it appeared in this evidence that this grain was put in Government bags?

Mr. OTJEN. I do not know that I can point out the exact evidence, but there is evidence here showing that this grain was placed in Government bags, bags marked with a Government stamp.

Mr. MAHON. The committee says in its report that it was found from evidence that the grain was put into the Government bags. The committee made a truthful report. Here is the evidence; we could not print it all.

Mr. LOUD. The gentleman understands that the House has a right to all the evidence.

Mr. MAHON. We have stated the facts in the report, and we had the evidence to substantiate it.

Mr. LOUD. I do not find the statement in the report.

Mr. MAHON. It is there.

Mr. OTJEN. This man had a contract with a Government agent to furnish this grain. He went about it in good faith and purchased this grain and shipped it to where he was directed, and placed it, according to the order of the Government agent, in Government bags. The bags were marked with the Government stamp.

Now, then, the question about this claim is simply one of delivery. There is no question about the fact that this grain was furnished; that it was furnished at the order of the Government agent. It is simply a question of construction whether it was properly delivered. Now, I believe when this claimant furnished this grain and placed it in the sacks of the Government as directed by the agent, that that was a sufficient delivery and that therefore this claimant is justly entitled to his pay.

As between private individuals, it seems to me there is scarcely a court in the land but what would find that this was delivered and would find in favor of the plaintiff. I do not believe that members of this House are ready and willing to adopt such a harsh rule against its private citizens as to deny the payment of this claim. I believe it ought to be paid.

Mr. MAHON. I yield ten minutes to the gentleman from Pennsylvania [Mr. ZIEGLER].

Mr. ZIEGLER. Mr. Chairman, this bill is important private legislation. The mere statement of the provisions of the bill enforces its importance upon the attention of the members of the committee. It directs that \$32,000 be paid, out of any money not otherwise appropriated in the public Treasury, to the administrator of the estate of Thomas P. Blair, deceased, for corn and oats—a certain number of bushels of corn, and a certain number of bushels of oats. The case comes before the committee very much

like a case stated before the learned judge of the court—first, upon the facts of the case; second, upon the law applicable to the facts of the case.

Now, these are the only two points for consideration in this private legislation that is sought to be passed. It has been well stated by the distinguished gentlemen who have already argued this case that concerning the facts there is no dispute: the facts are admitted. The claimant, Oliver M. Blair, administrator of the estate, resides in the county of Cumberland, one of the counties in the Congressional district which I have the honor to represent. I have not arisen to say one word in favor of this legislation on account of that fact, nor should that statement weigh a feather's weight with any member of the committee in favor of this legislation. But I want to say that I speak because I understand, and I believe the facts of this case as they are found by the Committees on War Claims both in the House and in the Senate.

It is because I believe I understand the law controlling this case that I have been induced to say a word in behalf of this measure. Albert L. Ashmead was a captain and assistant quartermaster of the United States Army, and he was authorized, through the Secretary of War, to purchase corn and oats, as much as he could secure for the use of the Army. Accordingly, he went into the town of Chambersburg, about ten miles away from Shippensburg, where Mr. Blair, the decedent lived, and employed the firm of Oaks & Linn in Chambersburg to purchase the corn and oats for the use of the Government of the United States. This firm went into the county of Cumberland, contracted for and purchased the amount of corn and oats mentioned in the bill, 25,000 bushels of oats and 12,000 bushels of corn, and agreed upon the prices to be paid, \$1 per bushel for the corn and 80 cents per bushel for the oats.

The decedent sold to the Government of the United States the corn and the oats and delivered it to the Government of the United States. It was a part of the contract that the bags were to be furnished and supplied by the Government into which the corn and oats were to be put. It was purchased by these agents from the decedent, the decedent then living, but who died in November, 1887, and it was put in bags furnished by the Government and marked and labeled as the property of the Government.

This corn and oats at that price was put in the Government's bags, labeled and marked as the property of the Government, and were left in the warehouse or place of business of the decedent's estate, so that it seems to me, in reply to questions in the course of the argument by the distinguished gentleman from California [Mr. LOUD], that constituted a delivery of the property. This claim was presented for allowance at the Quartermaster-General's office, and the matter was referred to Congress. It may be well stated here, and it will carry some force, that the Committee on War Claims of the Fifty-third Congress unanimously favored the passage of this legislation upon the facts found and admitted and the law quoted in its report.

It may also carry some weight when I say that the Committee on War Claims of the Fifty-fifth Congress reported favorably upon this case. And not only did two committees of this House recommend the passage of this legislation, but the Senate committees of those two Congresses—the Fifty-third and the Fifty-fifth—also reported in favor of the passage of the bill.

These are the facts in the case, concerning which there is and can be no dispute, and if it can be shown that the law applicable to the facts of this case should induce the passage of the bill by this Committee of the Whole, then it ought to be done.

The distinguished gentleman from California [Mr. LOUD] has very well stated that the action to be taken upon this case depends upon the contract—the terms of sale. On this point I wish to call attention to an extract given in the report of the committee from Kent's Commentaries, twelfth edition, Volume II, page 492.

When the terms of sale are agreed on and the bargain is struck and everything that the seller has to do with the goods is complete, the contract of sale becomes absolute between the parties, without actual payment or delivery; and the property and the risk of accident to the goods rest in the buyer.

Mr. LOUD. The gentleman is quoting the law, but if one of the conditions of the contract was delivery, the gentleman would not hold that the quotation he has just read has any bearing upon the case whatever.

Mr. ZIEGLER. No, sir; but I contend that the delivery consists in the fact that after the vendor sold the corn and oats he put it in bags, the property of the Government, marked with the Government stamp, and, under the terms of the contract, to be held in Mr. Blair's warehouse until the Government should take possession of it.

On the 22d day of June, 1863, learning that the State was about to be invaded, Captain Ashmead ordered the delivery of the goods bought by the Government and in the Government's bags and stored in the warehouse of the decedent's estate, to be delivered, not at the place as originally agreed upon in the terms of the agreement, at Hagerstown, but in the city of Harrisburg; and he



stated that on the day following, the 23d, the cars would be there to take the property away. The advance forces of the rebel army coming into Shippensburg, took the property found in the Government's bags stored in the decedent's warehouse and appropriated the same to their use. The fact that the Confederate troops took the oats and corn after it had become the property of the Government was no reason why the Government should not pay for it.

Mr. LOUD. Now, I would like to ask the gentleman this question: If the law is so clear—if there is no possibility of doubt about the construction of the law—why has this party waited all these years without going to some judicial tribunal to determine the question; and why should he not now go to a judicial body to have the question determined? This House is not a competent body (permit me to say with all due respect) to try and determine it upon the evidence and on its merits; and the gentleman well knows that.

Mr. ZIEGLER. The fact that this claim comes before this body for relief after a considerable lapse of time should not control the action of this House. This bill was promptly filed with the Quartermaster-General's Department; and he, not exercising his right to decide questions of this kind, which, it seems to me, he would have been fully justified in deciding then and there in favor of this claim and paying it, referred the matter to Congress; so that here is a long-delayed claim now asking payment.

Mr. LOUD. Let me ask the gentleman a question right there. He says that the Quartermaster's Department did not determine this case. Did not that Department determine it adversely to the claimant?

Mr. ZIEGLER. I do not so understand. But I do know that the report of these committees was that the Quartermaster-General did not believe that he had jurisdiction and referred the matter of this claim to the action of Congress.

Mr. LOUD. Does not the gentleman know that the Quartermaster-General has no such power, either granted or implied in any manner whatever?

Mr. ZIEGLER. I do not know that he has no such power, but I do know that the reports of the committee say that he himself referred it to this House for action. As I before said, he did not think he had jurisdiction, and he acted with extreme caution.

Mr. LOUD. Now, is it not a fact that the committee themselves are determining this case upon reports made some years ago, and that no investigation has been made by your committee, and no examination of the witnesses in this case, or the facts of it?

Mr. ZIEGLER. It is a fact that the committee of this House are reporting upon facts found by the committees of the House and Senate in the Fifty-third and Fifty-fifth Congresses, and because of the sworn testimony of Albert L. Ashmead, which is made a part of the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIEGLER. I should like a little more time.

Mr. MAHON. I am very anxious to get along with this Calendar.

Mr. ZIEGLER. Then I will simply ask unanimous consent to incorporate in the RECORD the testimony of Albert L. Ashmead as a part of my remarks, and the citations from text-books and authorities from not less than fourteen States of this Union, which I have here, upon facts similar to these, and which control this case.

*Testimony of Albert L. Ashmead, taken this 11th day of March, A. D. 1897.*

[Questions by the notary public.]

Q. What is your age? Where do you reside? Are you related to the claimant in this case? Have you any interest, direct or indirect, in this claim?

A. I am in my sixty-third year, and reside at Jeffersonville, Montgomery County, Pa. I am not related to the claimant, and have no interest in this claim.

Q. Were you a captain and assistant quartermaster of volunteers, and how long did you serve?

A. I can not give you the dates, but I was captain and assistant quartermaster until the middle of November, 1865, and I was quartermaster of the Twenty-ninth Pennsylvania Volunteers from about the commencement of the war until I was promoted and made captain and assistant quartermaster.

Q. As captain and assistant quartermaster in the spring and summer of 1863, where were you?

A. I was in Chambersburg, Pa. I had charge of the purchase of forage for the department of Pennsylvania.

Q. Did you ever give a firm by the name of Oaks & Linn, of Chambersburg, authority to purchase oats and corn along the line of the Cumberland Valley Railroad; and if so, was the authority written or verbal?

A. I did give them authority, but I can not say whether it was verbal or written. I think it was verbal.

Q. What was the contract?

A. It was to purchase forage, not only corn and oats, but hay, if they could get it, and all the grain that was purchased I was to furnish bags for on account of the Government.

Q. Did you know T. P. Blair?

A. I do know him.

Q. Did Oaks & Linn contract with him for you?

A. Yes.

Q. Were you to send the cars for this grain?

A. I was. I was to furnish cars as fast as the grain could be furnished. The original destination of the grain was Hagerstown, but when the invasion of the State took place I had to change it to Harrisburg.

Q. Do you know that Mr. Blair was prevented from sending this grain for want of cars?

A. Yes; I understood that Mr. Blair had a large amount of grain collected, and I had sent him a number of bags, showing that I was ready to take it. These were Government bags.

Q. Did Mr. Blair do all that he could to comply with the contract?

A. Mr. Blair saw me in Reading, Pa., and he told me he had collected a large quantity, which I knew to be the case.

Cross-examined by counsel:

Q. With whom was the contract for this grain?

A. With Oaks & Linn.

Q. To whom did you give contracts?

A. With the party themselves. Oaks & Linn would notify me; then the parties would send me the bill of lading. Oaks & Linn were my agents to procure from the parties having it grain, for the use of the Government; in other words, they were my agents to purchase, and the settlements I made with the parties who furnished the grain.

Q. Did you notify Blair and other parties where to deliver the grain, etc.?

A. No, sir; as soon as delivered in the cars I sent it to where it was needed. My contracts were to have the grain delivered in the cars which were sent to their warehouses, and I then sent the loaded cars wherever they were needed.

Q. Did you settle by voucher or payment for all the grain you received at Chambersburg while quartermaster?

A. Yes.

Q. Do you know of anything else material to this claim?

A. There is no doubt that Mr. Blair had collected large quantities of grain in consequence of this contract, and as I was as anxious to get the grain as he was to deliver it, the cars would have been sent to him in ample time had it not been for the invasion of our State by the Confederates, and therefore the nondelivery on the cars was not Mr. Blair's fault.

ALBERT S. ASHMEAD.

Affirmed and subscribed to before me March 11, 1897.

JOHN J. CORBON, Notary Public.

Mr. Chairman, I might well rest this argument with the citations from the text-books and cases cited in the report of the House and Senate committees. Both committees cite with approval 3 Caines, 182, where it is decided that—

Marking the parcels in the store of the warehouseman with the initials of the name of the purchaser is a delivery.

And Lord Ellenborough, 14 East, 312, says:

The change of mark on bales of goods in a warehouse by direction of the parties operates as a delivery of the goods.

In 2 Vermont it is decided that—

The selecting and marking of sheep in the possession of the vender, who retains possession for the vendee, is a sufficient delivery to complete the sale and pass the property.

In Kent's Commentaries, volume 2, page 505, it is held that—

If no place be designated by the contract, the general rule is that the articles are to be delivered at the place where they are at the time of the sale.

In addition to the cases cited in the report of the House committee, the committee refers to the case of Hatch vs. The Oil Company, in 100 U. S. Supreme Court Reports, page 124. At page 136 in the opinion of Mr. Justice Clifford are cited numerous cases, among which the following is entitled to special attention. Judge Clifford cites the case with approval and as an argument to sustain the opinion which he delivered. The quotation of Judge Clifford is as follows:

Examples of the kind are numerous in cases where the goods are not specified, and the decided cases show that if the seller subsequently selects the goods and the buyer adopts his acts, the contract which before was a mere agreement is converted into an actual sale, and the property passes to the buyer. One hundred quarters of barley out of a bulk in a granary were agreed to be purchased by the plaintiff, he having agreed to send his own sacks, in which the same might be conveyed to an agreed place.

He sent sacks enough to contain a certain part of the barley, which the seller filled, but, being on the eve of bankruptcy, he refused to deliver any part of the quantity sold, and emptied the barley in the sacks back into the bulk in the granary. Held, in an action brought to recover the whole amount, that the quantity placed in the sacks passed to the purchaser, as that part was appropriated by the bankrupt to the plaintiff. (Aldridge vs. Johnson, 7 E. and B., 885; Browne vs. Hare, 3 H. and N., 484; s. c. 4 id., 821; Tregles vs. Sewell, 7 id., 573.)

This case is on all fours with that of Nicholas J. Bigley, for the payment of which Congress appropriated \$42,611.50 (see 30th Statutes, p. 1178) on the 3d of March, 1899. The circumstances in the Bigley case are set out in full in House Report No. 346, Fifty-first Congress, first session. Bigley was attempting to deliver coal to the United States at Memphis on his own steamer *Hercules*. While engaged in that undertaking the ship and barges were sunk by the Confederates and totally lost to the complainant.

In my research for principles of law and authorities, which in my opinion govern this case, I have found the following:

The question of delivery as between the immediate parties to a contract is one of intention entirely, for as between them the property passes by sale without any act of delivery. It is only when the rights of third parties are affected that some visible notice of the transfer of the property must be shown. (Parson, Volume I, section V, page 529.)

Marking timber on a wharf, or goods in a warehouse, operates as a delivery. Goods bought in a shop, weighed or measured and separated, and left by the owner until called for, are sufficiently delivered. (Parsons on Contracts, Volume I, sixth edition, page 531.)

Delivery is not necessary to pass the title as between the parties to the contract unless required by the terms of the contract. As soon as a bargain and sale of personal property is struck the contract becomes absolute without actual payment or delivery, and the property and risk of accident is in the buyer. If the seller is prevented from delivering the property by the act of God, payment must nevertheless be made. (Encyclopedia of Law, first edition, volume 21, page 476, note 1.)

Where goods were sold, lying in the vender's warehouse on a credit of six months, for which a note was given, and the goods were sold by marks and numbers, and it was a part of the consideration of the purchase that they might lie, rent free, in the warehouse, at the option of the vendee and for



his benefit, until the vender should want the room. Held, that there was a complete delivery of the goods, so that, on the insolvency of the vendee, they would not be stopped by the vender. (*Barrett vs. Goddard*, 3 Mason, U. S., 107; see also opinion in *Wade vs. Moffitt*, 21 Ill., 110.)

The reasoning of Mr. Justice Story, in his opinion in this case, is a plain statement of the principles that apply.

Where apples are packed in the vendee's barrels at the orchard, to be hauled by the vender, the title passes to the vendee at the time of packing, and the apples are at the vendee's risk, aside from want of ordinary care on the part of the vender. (*Davidson vs. Mayne*, 31 Pennsylvania Law Journal, 73.)

Where a quantity of turpentine was sold by auction at a fixed price per hundredweight, to be delivered in casks, and taken at the net weight printed in the catalogue, the casks to be filled by the vender and removed by the purchaser, and all the casks were filled up except 10, and were placed in the vender's warehouse at the disposal of the purchaser, and before they were removed the whole quantity was consumed by fire, it was held that the right of property in the casks that had been filled up and placed at the disposal of the purchaser had passed to the latter, and that he must stand the loss; but as to the remaining quantity, which had not been selected and weighed and made ready for delivery, that it continued in the vender and at his risk.

Addison on Contracts, volume 2, page 454, citing:

*Rugg vs. Minett*, 11 East, 210 (King's Bench).

*Aldridge vs. Johnson*, 7 Ellis vs. Blackburn, 899 Q. B.

*Langton vs. Higgins*, 4 Hurlstone vs. Norman, 402 Excheq.

*Langton vs. Waring*, 18 Common Bench, N. S. 315.

*Blackburn on the Contract of Sale*, page 128.

#### STATE DECISIONS.

The law is that as between the vender and vendee title passes to the latter as soon as the chattels sold are ascertained and separated; and many of the authorities go further and say that title passes if the chattels can be identified, even though they remain a part of a larger mass.

Title was held to have passed where the owner of wheat, lying in mass in a warehouse, sold 6,000 bushels thereof for a specified price, and executed to the vendee a receipt acknowledging himself to hold the wheat subject to the purchaser's order. (*Kimberly et al. vs. Patchin*, 19 New York Common Law Rep., 330.)

So where the vendee had paid the vender for a certain number of bags of meal, part of a larger lot on board a vessel, the vendee to remove them when he pleased. (*Chapman vs. Shepard*, 39 Conn., 413.)

So where out of 500 or 600 bales of cotton stored in a warehouse, 125,000 pounds were bargained and sold for the purpose of being used in a factory near thereto, and the buyer, after the bargain and sale to him, sold one-half to his partner in the factory, and a portion of that first bought was consumed in the factory by the partnership, and the first buyer has received from his partner full payment for his half in another lot of cotton of the same quantity at another place, such use and acts and circumstances show the intention of the parties to treat the entire 125,000 pounds as delivered for consumption in the factory, to be weighed as needed from time to time, and amount to a sufficient delivery thereof, though the whole quantity sold was not weighed and severed from the bulk. (*Phillips vs. Ocmulgee Mills*, 55 Georgia, 633.)

Where anything necessary to a complete delivery remains undone through the fault of the vendee, title will be presumed to have passed. (*Indianapolis Railway Company vs. Maguire*, 62 Indiana, 140.)

Where the owner of a large quantity of corn in bulk sells a certain number of bushels therefrom and receives his pay and the vendee takes away a part, the property in the part sold vests in the vendee, although it is not measured or separated from the heap, and such property left with the vendor remains at the risk of the vendee. (*Waldron vs. Chase*, 37 Maine, 414.)

A made a bargain with B for fifteen of the best sheep in B's flock, but they were not selected. Held, that the sale was incomplete until they were selected and designated by marking or separated from the flock. (*Warren vs. Buckminster*, 24 New Hampshire, 338.)

Where there is a sale of a specific quantity of grain from a mass identical in kind and uniform in value a separation of the quantity sold is not necessary to pass the title, where the intention of the parties that the property should pass by the contract of sale is clearly manifested; otherwise, where the articles composing the mass are of different qualities and values, making a selection and not merely separation necessary. (*Hurff vs. Hires*, 40 N. J. L., 581; *Hutchinson vs. Hunter*, 7 Pa. St. R., 140.) Contrary in North Carolina. (*Waldo vs. Belshur*, 11 Ired. L., 609.)

The general principle seems to be that where there is nothing further to be done on the part of the vendor or vendee for the purpose of identifying the chattels contracted for, title passes to the vendee, as between the vendor and vendee, without a transfer of possession or any actual delivery. (*Ferguson vs. Louisville City Bank*, 14 Bush. (Ky.), 555; *Pleasants vs. Pendleton*, 6 Randolph (Va.), 473.)

A contract, whereby A agrees to buy all the spring lambs of B at certain prices to be paid, the seller to pasture them till called for, passes title to the purchaser without specifically setting the property apart, and if, without fault of the seller, it suffers injury, the loss falls on the purchaser. (*Bartleson vs. Bower*, 81 Indiana, 512.)

So soon as a bargain for the sale of personal property is struck the contract becomes absolute, without payment or delivery, and the property is at the risk of the purchaser. (*Sweeney vs. Owsley*, 14 B. Munroe (Ky.), 332.)

Said the court in this case—

"If articles purchased, from necessity or convenience, are permitted to remain in the possession of the vendor, and the vendee wishes to avoid payment in case the property should perish before the time of delivery, he should stipulate to that effect."

To the same effect is *Sweeney vs. Owsley*. (See *Willis vs. Willis's administrator*, 6 Dana (Ky.), 49; *Wing vs. Clark*, 24 Maine, 386; *Gough vs. Edelin*, 5 Gill (Md.), 101; *Philbrook vs. Eaton*, 134 Massachusetts, 398; *Whitcomb vs. Whitney*, 24 Michigan, 487; *Cassell vs. Backrack*, 42 Mississippi, 56; 2 Kent's Commentaries, thirteenth edition, page 492; *Lester vs. East*, 49 Indiana, 588; *Uhl vs. Robinson*, 8 Nebraska, 272; *Dexter vs. Norton et al.*, 55 Bart., 272.)

Where a bargain is made for the purchase of goods and nothing is said about payment or delivery, the property passes immediately, so as to cast on the purchaser all future risk if nothing remains to be done to the goods, although he can not take them away without paying the price. (*Jenkins vs. Jarrett*, 70 North Carolina, 255, citing *Benjamin on Sales*, 148; *Simmons vs. Swift*, 3 Barnwell & Cresswell, King's Bench, page 862.)

As between vendor and vendee a bill of sale transfers title although no money is actually paid. (*Crill vs. Doyle*, 53 California, 713.)

Where one party is to deliver another 300 bushels of corn and points to a crib in which it is, which is accepted and two wagonloads are taken out of it, this constitutes a good transfer of title. (*May vs. Tallman*, 20 Illinois, 443.)

Mr. Chairman, in view of the facts found and reported by the House and Senate committees, and the principles of law quoted and authorities cited, this bill ought to pass without a dissenting voice.

Mr. MAHON. I move that debate on this bill be now closed.

The CHAIRMAN. The gentleman from Tennessee [Mr. Cox] has been recognized in opposition. The time so far has all been under the control of gentlemen in favor of the bill. The Chair will recognize the gentleman from Tennessee.

Mr. COX. I think there is probably a misunderstanding about this matter.

Mr. MAHON. The gentleman wishes to speak on another matter, and I hope he will not say it on this bill.

Mr. COX. Oh, no.

Mr. MAHON. How much time does the gentleman want?

Mr. COX. If you will listen to me a minute, I will get it all straight. I am not opposing this bill. I do not want any time on this bill, but after the bill is disposed of I would like to be recognized.

Mr. MAHON. I will not object.

Mr. LOUD. Mr. Chairman—

Mr. MAHON. How much time does the gentleman from California desire?

Mr. LOUD. Five minutes.

Mr. MAHON. I yield five minutes to the gentleman from California [Mr. Loud].

Mr. LOUD. Mr. Chairman, I do not know much about this claim, and neither can any member of this House. I, perhaps unfortunately, served on the Committee on Claims myself and know something about the character of evidence that the Committee on Claims have an opportunity to examine.

All of the gentlemen who favor this claim say that it has a legal status; that no court in the world has ever rendered a decision against a claimant in a case similar to this. Now, it is against the policy of the House, so far as my memory carries me, for the House to determine cases of this character when the advocates of the claim are so fortunate that they can secure a judgment in any court to which the case may be referred. As I said before, when I interrupted the gentleman, Congress is not the proper body—

Mr. OTJEN. Is not this case similar to the Grant case, which the House allowed?

Mr. LOUD. The gentleman asks me if it is not similar to the Grant case. If it has no more merit than the Grant case, permit me to say that it should never receive the vote of a single member of this House, and I hope the gentleman will not compare it to the Grant case. If it is similar to the Grant case, then it ought to fall. No man ever assumed in the Grant case that they could have gone to any court on top of God's earth and secured a judgment. Permit me to say now, with due respect to those who advocated that claim, that it was a filching from the Government of seventy or eighty thousand dollars.

Now, I do not know much about this case. All I know is what is in the report. I have read that. Probably I know about half as much as any member of the committee. If it was my case, and I was as positive as gentlemen are, I would ask that this case go to the Court of Claims with authority vested in that court to render judgment. Surely you can lose nothing by that procedure, except perhaps two years, and the claimants have waited now thirty-seven years.

Mr. MAHON. The trouble about that is this: There is no controversy about the facts; but every witness in this case has gone into the other world. They have left their testimony behind, taken in 1863 and 1867, when this thing was fresh in the memory of the people. Now, that testimony could not be used in the Court of Claims. That is the reason why I am advocating this bill here. It is outside of my district and I am wholly disinterested. I believe it is one of the cleanest claims that ever came to this Congress. It is thoroughly made out on the facts and the law, and I ask that the people to whom this money belongs be paid. If the witnesses were all living I would not object to going to the Court of Claims.

Mr. CLARK of Missouri. How much is the claim?

Mr. MAHON. The amount of the claim is \$32,000—exactly what was paid for the grain.

Mr. CLARK of Missouri. If this claim ought to go through, what is the reason that millions of dollars of the same sort of claims out in Missouri and Kentucky ought not to go through, where there is no controversy about facts?

Mr. MAHON. I will state to the gentleman that this is the only claim of this kind that has come from that war territory, over which a hundred thousand men marched and remarched.

Mr. CLARK of Missouri. Well, I know; but they were marching and remarching over Missouri all the time.

Mr. MAHON. We have reported bills for Missouri and passed them, and appropriated money for them; and if you have a claim of this kind, this House ought to give you the money.

Mr. CLARK of Missouri. That is what I say, but they will not do it.

Mr. MAHON. They will do it. I have always supported the gentleman on his claims.



Mr. LOUD. I hope the gentleman will not get into a controversy about some other case somewhere else. Of course if this case ought to be paid, that has nothing to do with some other case out in Missouri, and I hope no one will raise a controversy here on that account.

I understand the gentleman from Pennsylvania [Mr. MAHON] to say now that he could not get his claim allowed in court. The gentleman says everybody is dead who knows anything about the case. It is pretty dangerous business for Congress to take ex parte testimony, taken by God knows whom twenty-five or thirty years ago, and attempt to pass on the legality or equity of a claim. Further than that I do not wish to object. I shall vote against the claim.

Mr. MAHON. The testimony of Colonel Ashmead was taken in the Quartermaster-General's Department.

Mr. GAINES. I should like to ask the gentleman a question on the matter of delivery. Did the vendor comply with the conditions required of him in delivering these goods?

Mr. MAHON. He did. He complied with every condition.

Mr. GAINES. The vendor complied with every condition?

Mr. MAHON. Every condition. There is no doubt about it.

Mr. GAINES. And there was an actual delivery as far as he was concerned?

Mr. MAHON. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

REV. WILLIAM T. McELROY.

The next business was the bill (H. R. 3020) for the relief of Rev. William T. McElroy.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rev. William T. McElroy, late of Louisville, Ky., out of any money in the Treasury not otherwise appropriated, the sum of \$265.20, being for rent of ground at Louisville, Ky., during the late war for the suppression of the rebellion.

Mr. OTJEN. Mr. Chairman, I reported this bill. It is a claim for \$265.20 for the rent of ground that the Government appropriated in Louisville, Ky., for which it agreed to pay \$9 a month rent. From August 10, 1862, to February 1, 1864, that rent at the rate of \$9 per month was paid. The Government then continued to hold the property, but through some mistaken interpretation of law they discontinued the payment for the balance of the time. The quartermaster located at Louisville certifies to these facts, and that there is due upon the books of the Government \$265.20 for the rent of this property. It seems to me that the claim is a proper one.

Mr. MAHON. How much is it?

Mr. OTJEN. It is for \$265.20. Unless some one wishes to ask a question about it, I will move that the bill be laid aside to be reported to the House with a favorable recommendation, reserving the balance of my time.

Mr. DRIGGS. Mr. Chairman, will the gentleman yield to me for a minute?

Mr. OTJEN. Yes, sir.

Mr. DRIGGS. I would say that I am not thoroughly familiar with this claim, but have no doubt it is meritorious, otherwise it would not have been reported by the committee; and at the same time I would like to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OTJEN. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

SCHOONER BERGEN.

The next business on the Private Calendar was the bill (H. R. 4844) for the relief of the owners of the schooner *Bergen*.

The bill was read, as follows:

*Be it enacted, etc.,* That the claim of the legal owner or owners of the schooner *Bergen*, of New York, Benjamin H. Moss, master, of her cargo, freight, tow, and personal effects, alleged to have been sunk by collision with the U. S. S. *Periwinkle*, at the mouth of the Potomac River, on or about the 18th day of January, 1865, be referred to the Court of Claims, to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

Mr. MAHON. I yield twenty minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I do not know that I need twenty minutes. It appears that during the war this schooner *Bergen* sailed from New York for Baltimore with hay and oats consigned to the United States quartermaster. In the dark the steamer *Periwinkle*, one of our war vessels, came into collision with the *Bergen* and sunk her. The captain and crew were taken on board of the *Periwinkle*. The commander of the *Periwinkle* simply said that "the night was cloudy, the vessel's lights but dimly seen, and, when seen to be a sailing vessel, was so near as

not to leave room to answer to the port helm." The affidavit of the master of the schooner shows, and it is admitted, I believe, that this vessel of war, the *Periwinkle*, showed no lights, it being in time of war, and if lights had been exhibited he could have gotten the schooner out of the way, in spite of the fact it was snowy and stormy. His claim is that it took place by reason of the negligence of the vessel of war.

Mr. LOUD. Was there ever any examination made or board sat upon the case?

Mr. PARKER of New Jersey. There is no proof that any board sat upon it. The matter was brought up at one time, and the papers for a while had been intrusted to a lawyer in the city of Washington. I think he died; but at any rate the papers, which were lost, have been found again and the master's affidavit produced. The question is simply and merely to submit the claim to the Court of Claims with the right of appeal, as in any other case, to determine whether there is a claim against the United States or not. It seems to me that is all I need state with reference to the bill.

Mr. MAHON. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN DAILEY.

The next business on the Private Calendar was the bill (H. R. 231) for the relief of John Dailey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to John Dailey the sum of \$1,293.50, in full compensation for and satisfaction of his claim against the United States for services as captain in the Third Rhode Island Heavy Artillery Volunteers from August 20, 1861, to February 9, 1863.

Mr. MAHON. Mr. Chairman, this claim was presented to this House by the gentleman from Rhode Island [Mr. BULL]. The committee examined it carefully and thought that this man ought to be paid. It is a small sum, \$1,293.50. Perhaps the report had better be read.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 231) for the relief of John Dailey, beg leave to submit the following report:

The claim is for pay as captain in the Third Rhode Island Heavy Artillery Volunteers from August 20, 1861, to February 9, 1863. Claim stated at \$1,293.50.

The proof shows that in the summer of 1861 John Dailey recruited Company K, Third Regiment Rhode Island Heavy Artillery, and was elected captain of said company and commissioned as such by Governor William Sprague, of said State; that on the 20th of August, 1861, he was mustered into the service of the United States as captain of said company by Colonel Loomis, Fifth United States Artillery, at Railroad Hall, in the city of Providence, at the same time and together with his said company; that the muster roll of said company was lost or destroyed, and therefore Captain Dailey's muster can not be proved thereby, but it is proved by the affidavits of 36 members of said company, made October 6, 1864, and the affidavits of Peter A. Sinnott, acting major of said regiment, and of James Moran, who was a lieutenant in said Company K; that Captain Dailey, as captain of said company, accompanied his said company and regiment to Fort Hamilton, N. Y., and to Washington, D. C., and served with it as such captain until on or about September 25, 1861, when, under orders from Col. N. W. Brown, colonel of said regiment, he went to Providence with his said colonel and reported at the office of the adjutant-general of Rhode Island, and continued to report there daily for some six months without receiving any further orders until, at the expiration of said six months, said adjutant-general took Captain Dailey's city post-office address and told him it was unnecessary to report longer, and that he would be notified as soon as there were any orders for him; that on the 9th of February, 1863, the governor of Rhode Island assumed to revoke and cancel the commission of Captain Dailey.

By resolutions of the general assembly of Rhode Island in 1863, Captain Dailey was paid \$1,200, including \$400 expended by him in recruiting his company.

Your committee hold that he is entitled to pay as captain from August 20, 1861, to February 9, 1863—

One year five months and twenty days, at \$118.50 per month.....	\$2,093.50
Less amount received from State of Rhode Island.....	\$1,200.00
Of which recruiting expenses were.....	400.00
	800.00

Balance due from United States..... 1,293.50

Your committee recommend the passage of the bill.

Mr. LOUD. I would like to ask the gentleman if those are all the facts the committee have in this case?

Mr. MAHON. All the facts are set forth in this report, and there is no doubt that this officer rendered service.

Mr. LOUD. He must have been rendering very valuable service back in Newport or Providence, or wherever it was!

Mr. MAHON. There is another case of this character, where Colonel Strickland commanded a cavalry regiment for seven long months and never was paid. There are a few of these cases. This bill was introduced by the gentleman from Rhode Island [Mr. BULL], who appeared before the committee and made his statement; and we gave the case very careful consideration and find the facts just as stated in the report—no more and no less.

Mr. LOUD. The gentleman has seen some service. Does he not know as a matter of fact that it was a matter of impossibility for an Army officer to be mustered and there be no record in existence of such fact?

Mr. MAHON. The gentleman was a soldier himself. He knows that men raised companies of 60 or 70 men and had them in camp for five or six months, and then consolidations came on, made by



governors of States, and these men were dropped in one way and another and went out of service. There are a few cases of that kind; they do not represent a large amount, and Congress has been paying them. Every two or three years a claim of that kind comes up. I can not give the gentleman any more facts.

Mr. LOUD. Let me say to the gentleman that I remember several cases, but it was always claimed there that the men rendered some service. We passed a bill not long ago which the President vetoed and sent back. I called the attention of the House at the time that such a condition could not exist, and it seems that the President, and probably the Secretary of the Navy, were of the same opinion. Now, the gentleman knows it to be a fact that this condition outlined by the allegations never could have existed. If this man was regularly mustered into the service, there is a record of it, and there was no way of getting him out except by resignation or dismissal.

Evidently some form, perhaps, of a muster, or something that he called a muster, was gone through with in his State; but I think if the gentleman would investigate, he would find that there was a captain of that company, if that company existed, performing the duties as captain of the company and drawing his pay, and that there was never any room for this man in the Army. The gentleman knows nothing about the facts of the case. The man may not have been competent and the Government finally determined that they did not want him. The State of Rhode Island has reimbursed him for some expenses, but I put the question fairly to the gentleman himself, who has seen some service, and he must acknowledge that the allegations made here could not be true. I do not know why Congress should give money to claimants simply because they ask for it.

Mr. MAHON. There were hundreds and thousands of officers mustered in during the war, and I have known cases where men have had charge of companies and battalions for six or seven months, and when they came to be reorganized and consolidated these men were dropped.

Mr. LOUD. Yes; but if they were mustered in, there was a record of it.

Mr. MAHON. The records of the War Department I think are good and kept as well as any records in the world, but they are not absolutely correct. I want to relate an incident. They sent a man to Dry Tortugas, had him under ball and chain for ten months, and when the Adjutant-General came to investigate, he found that the man was under furlough; that he was arrested while under furlough, but the record was incomplete until they sent for the original papers. The original papers had not been put on record.

Mr. LOUD. That is hardly a parallel case, because this man was at home.

Mr. MAHON. I admit that.

Mr. LOUD. This man never performed any services.

Mr. MAHON. Mr. Chairman, I will yield to the gentleman from Rhode Island [Mr. BULL].

Mr. BULL. Mr. Chairman, there were records on file, I understand, showing that this man was mustered in, but the records are lost, as shown by the report. The State records show that he was mustered in. His muster in is proved by the affidavits of 36 members of the company on October 6, 1864, and by the affidavits of the major of the regiment and of the lieutenant of his company.

Mr. LOUD. Will the gentleman yield to me right there? If the gentleman knows anything about the service, what would 36 men of his company know about his muster, as a matter of fact? If the gentleman knows anything about the system of mustering, how could 36 men ever have known that he was mustered in? They may have heard somebody say it. They could not have been present.

Mr. BULL. These are the affidavits of reputable men.

Mr. LOUD. That may be, but what are affidavits worth certifying to a fact that they never could have known? They never could have known about the fact of the mustering in of the officers of the company or regiment. What can a private know about the mustering in of an officer? They are not present and could not know it.

Mr. BULL. How about the major of the regiment and the lieutenant of the company?

Mr. LOUD. What does the major say?

Mr. BULL. I have not the affidavit here.

Mr. LOUD. I understood from the reading of the report that the major said the claimant was with the company.

Mr. BULL. Well, I have not the affidavit here.

Mr. LOUD. As I said to the gentleman from Pennsylvania this man never was mustered into the United States service. The fact of the lost muster roll is of no significance. He never could have been mustered in unless there was a record in the War Department.

Mr. BULL. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. COX. Mr. Chairman, I would like to have the attention of the House for a very short time. I wish to make a statement of a case now on this Calendar, and then I desire to make a request of the Committee of the Whole.

The CHAIRMAN. The gentleman from Tennessee [Mr. Cox] asks unanimous consent to make a statement. Is there objection?

Mr. COX. I will not consume much time.

The CHAIRMAN. The Chair hears no objection.

Mr. COX. Mr. Chairman, I have served here in this House for nearly ten years. During that time I have adopted one rule which I have never broken. I have never attacked a soldier or said anything that was disgraceful to him. I did my best while the war was going on to kill off the men on the other side, and they did their best to kill me. I see one of my old Army friends over there who tried to kill me, and I tried to kill him. I am very glad I did not kill him, but I much more rejoice that he did not kill me.

Mr. BROSIUS. The gentleman will allow me to say I am very glad I did not succeed in killing him.

Mr. COX. I thank the gentleman. And I am mighty sorry that anybody was killed in that war. [Applause.] But let that go; that is a matter about which we can not do anything now.

In reference to the case which I wish to bring to the attention of this Committee of the Whole, I want to say that I have not a cent of personal interest in it, for I was not engaged in that part of the army in which this claim arose. After we had fought the war through, when the two great generals of that war, General Grant and General Lee, reached a conclusion as to the terms of surrender—and the official records are all filed here—it was provided in the agreement that the soldiers on our side who owned their horses should be permitted to retain them. And let me say right here that out of all your great men you never had, in my estimation, anyone equal to General Grant.

It was set down in the terms of the agreement that our men should have their horses. General Grant said, "They must have something to plow with and something to make a living on"—which was good practical common sense. Those men started home, but down in some part of Tennessee there was a quartermaster of the Federal Army—I have seen a good many of those officers who thought themselves greater men than the generals—this quartermaster took the horses away from a large body of these ex-Confederates who were repairing to their homes, and they went on as best they could without their horses. The matter was reported to General Thomas—I speak from the record which is on file—and he ordered the horses returned according to the terms of the surrender. But the quartermaster answered General Thomas to the effect that the horses had all been mixed up and he could not tell one horse from another. That is what occurred.

Immediately after the war claims for these horses were filed against the Government. Those claims are scattered through the Department; I have gone all through them; they are made out in the individual names of the parties who owned the property. Remember, gentlemen, that on your side as a rule the cavalry horses belonged to the Government. On our side the cavalry horses belonged to the men; they furnished their own horses.

I have gone through those claims filed in the Department, and I can not get them in a bunch. So in this bill which I shall ask this committee to take up and pass I have provided that under proper rules, to be prescribed by the Quartermaster-General, each one of these claimants may file his claim and prove it if he can to the satisfaction of that officer. In cases where the original claimant is dead, the bill as now amended by the committee provides that the proceeds of the claim shall go first to the widow and second to the children. In the bill as I had drawn it the mother and the father of the soldier were inserted; but that clause has been stricken out by the committee, and at any rate the mother and the father of the soldier are in nearly every case dead.

Now, what this bill proposes is to make an appropriation to meet what the Quartermaster-General may find is due in these cases. Not a single claim can pass until it meets the approbation of the Quartermaster-General under such rules as he may prescribe.

One word more before submitting my request. However mad I may have been during the war now over, I know I am not mad now. We fought that fight through to the best of our ability, with gallantry on both sides. And now, after those men surrendered their arms and started to their homes—they are all white-headed now, the few that are living—I say it was an outrage—I pronounced it such at the time—to take their horses from them in violation of the terms of the surrender.

You will ask—and it is a natural question—how much money the payment of these claims will probably involve. On that point I can not speak with accuracy. I know that most of the original claimants are dead. I know that in no case will their parents get anything under this bill. This provision is for their widows and children. I know that some horses that were seized were returned. From my knowledge of the affair (with which, as I have



said before, I was not connected), I do not suppose that there would be more than 60 or 75 of these horses to be settled for. But I speak without personal knowledge, and I do not ask that my statement be accepted as fact.

Now, Mr. Chairman, I have made my statement. I have never stuck any pins on the other side of the House. I appreciate a soldier wherever he belongs. It is some fellows who called themselves soldiers that I despise. They were better at stealing than they were at fighting. Treat these old men right. They have not long to live. There are only a few of them left. I leave it to the good old Federal soldiers, who were brave soldiers, to decide upon the fate of an old reb who was as brave as they were. I ask unanimous consent to take up the bill for consideration. It is No. 627 on the Calendar.

Mr. PAYNE. I want to hear the bill read first.

Mr. COX. Certainly.

Mr. PAYNE. Reserving the right to object.

Mr. STEELE. I demand the regular order.

The CHAIRMAN. Objection is made.

Mr. COX. What is the point?

Mr. STEELE. I have asked for the regular order.

Mr. COX. Very well, that amounts to an objection.

The CHAIRMAN. The Clerk will report the next bill.

#### ESTATE OF MAJ. GUY HOWARD, DECEASED.

The next business was the bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard, deceased.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited the accounts of Maj. Guy Howard, deceased, late quartermaster, United States Volunteers, with the sum of \$57.80, being for ten suits of clothing purchased by him in 1898 for issue to recruits whose clothing had become infected with vermin, there being no army clothing available.

Mr. HAUGEN. I ask that that portion of the report on page 2 be read. I think it will explain the bill. It is a meritorious claim, and I think there will be no objection to it.

The Clerk read as follows:

[First indorsement.]

CAMP WARDNER, IDAHO, November 4, 1899.

Respectfully returned. The clothing herein referred to was issued to uniform recruits at Fort McPherson, Ga., who had become infected with vermin (through no fault of their own), and because the Government had no uniforms to issue to them. Major Howard bought this clothing as an absolute necessity, and at the time it was considered a gratuitous issue; consequently no charge was made.

Some of the men were transferred to regiments in the Philippines, and the rest have been discharged.

FRANK A. EDWARDS,

Captain, First Cavalry, Commanding Troop L.

[Second indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, December 11, 1899.

Respectfully submitted to the honorable Secretary of War.

In fourth quarter for year 1898, Maj. Guy Howard, quartermaster, United States Volunteers, purchased ten suits of clothing for issue to recruits whose clothing had become infected with vermin (through no fault on their part), there being no Army clothing available and no means of cleansing the infected civilian clothing.

The purchase was approved January 9, 1899, provided that the value of the clothing was charged against the men who received it.

As the charges were not made, and some of the men have been sent to the Philippines and the rest discharged, and as there does not appear to be any law authorizing such gratuitous issue, it is recommended that the case be referred to Congress, with a view to the relief of the estate of Major Howard from further accountability for the clothing. Value, \$57.80.

M. I. LUDINGTON,

Quartermaster-General, United States Army.

Mr. HAUGEN. If there is no objection to the bill I move that it be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEWIS M. MILLARD.

The next business was the bill (H. R. 3599) for the relief of Lewis M. Millard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Lewis M. Millard, of Yates County, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of \$241, being for forage furnished the Army of the United States during the late war for the suppression of the rebellion.

Mr. GIBSON. Mr. Chairman, this bill was introduced by the gentleman from New York [Mr. PAYNE]. I will make a brief statement in reference to it. During the war a quantity of forage was taken from the claimant, who lived across the river here in Loudoun County, Va. The quartermaster in charge of that department in the Federal Army executed to him proper vouchers, which are found by the War Department to be correct; but as Mr. Millard lived in Loudoun County, Va., which was in a State in rebellion, it was held that the quartermaster had no authority to make payment. The Quartermaster-General of the Army has certified the facts. The loyalty of the claimant is also vouched for

by the Third Auditor of the Treasury Department. The amount is small, \$241, and while it might have gone to the Court of Claims, it would cost the claimant about as much to get this small amount as the claim is worth to send it there. I will yield to the gentleman from New York [Mr. PAYNE] to make any further explanation.

Mr. PAYNE. I do not care to occupy any time.

Mr. GIBSON. Then I will ask that the bill be laid aside to be reported to the House with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### SAMUEL TEWKSBURY, DECEASED.

The next business was the bill (H. R. 321) for the relief of legal representatives of Samuel Tewksbury, deceased.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the legal representative of Samuel Tewksbury, late of Scranton, Lackawanna County, Pa., deceased, out of any money not otherwise appropriated, the sum of \$5,697, in full compensation for the use and occupation by the United States Government of a brick building and premises owned by him in the city of Scranton, Pa., as a depot or barracks for United States troops by the provost-marshal of the United States from June, 1862, to June, 1865, inclusive.

Mr. MAHON. Mr. Chairman, I yield to my colleague the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Chairman, this bill was reported unanimously in the last Congress by the Committee on War Claims, but was never reached on the Calendar. It has been reported unanimously from the same committee in this Congress. It is simply for the rent of a building used by the provost-marshal during the draft in 1863, and afterwards occupied by a colonel, with a company sent to that region at the close of the draft, until the close of the war. When the claim was presented to the War Department afterwards, they claimed that they had allowed it in the provost-marshal's account. He never had paid anything to Mr. Tewksbury. Mr. Tewksbury sued the provost-marshal and obtained a judgment. The testimony was all before the committee, and this is to pay the judgment that was rendered but that never has been paid.

On motion of Mr. MAHON, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### TRUSTEES OF CARSON-NEWMAN COLLEGE AT MOSSYCREEK, TENN.

The next business was the bill (H. R. 1860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees of Carson-Newman College, formerly the Mossycreek Baptist College, at Mossycreek, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$3,000, in full compensation for the use, occupation, and consumption of the property of said college and trustees by the military forces of the United States during the late war of the rebellion.

The following amendment, recommended by the Committee on War Claims, was read:

In line 7, strike out the word "eight" and insert in lieu thereof the word "six."

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GIBSON] such time as he may desire.

Mr. GIBSON. Mr. Chairman, this bill is for the relief of the Carson-Newman College, at Mossycreek, Tenn., the great Baptist college for all that section of the South, where there are now between 300 and 400 students. It is an institution supported very largely by the Baptist Church, not only for that section of the State of Tennessee, but for eastern Kentucky and the western parts of Virginia and North Carolina. You might say it is the head and front of Baptist educational institutions in that section of the Central South.

During the war the Federal army camped at that place. Those who recall the winter and spring of 1864 will remember that it was one of the coldest spells of weather ever known to this generation. Having participated in that weather myself, I know something about it. The Federal army at Mossycreek had no tents and no arrangements for winter quarters. They were at that time engaged in a conflict with General Longstreet's army, and under the authority of the general commanding, the college buildings were taken possession of and used for the construction of winter quarters. They cut the trees down which constituted a college grove, using them both in the construction of winter quarters and for fuel.

These facts are testified to by the generals in command of the Army. Their affidavits are in the record, and one of them estimates the damage at a higher sum than the committee have allowed. The committee might well have reported \$10,000 in behalf of this college if damages had been considered; but the committee disregarded the question of damage, and only allowed for the value of the material actually used by the Army that went to the benefit of the Government, and hence they report \$6,000. I ask that the bill be laid aside with a favorable recommendation.

Mr. DALZELL. I would like to ask the gentleman if this claim has ever been reported by any body but Congress?



Mr. GIBSON. Any body?

Mr. DALZELL. Has it ever been examined by any other body but Congress? Has it ever been examined by the Quartermaster-General's Department?

Mr. GIBSON. It has not been examined by the Quartermaster's Department. They have not reported on it.

Mr. DALZELL. Is there any question about the loyalty?

Mr. GIBSON. Why, it is a college of the great Baptist denomination in the most loyal section of the United States.

Mr. DALZELL. Of course.

Mr. GIBSON. The most loyal section of the country, where there are more pensioners to-day than in any other section of the United States.

Mr. DALZELL. In the gentleman's district.

Mr. GIBSON. And I may add, for the information of the gentleman, more Republican voters to the square mile than in any other section of the United States, and I can prove that by the gentleman from the Nashville district. It is in the heart of East Tennessee.

Mr. GAINES. And they think they have got the best Congressman in the United States.

The question was taken; and the amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. SAULPAW.

The next business on the Private Calendar was the bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw.

The bill was read, as follows:

*Be it enacted, etc.*, That there shall be allowed and paid, out of any moneys in the Treasury not otherwise appropriated, to the heirs of George W. Saulpaw, the sum of \$7,000, in full compensation for the steamer *Alfred Robb*, taken by the United States for the use of the Government during the late rebellion.

Mr. MAHON. Mr. Chairman, this bill was introduced by the gentleman from Vermont [Mr. GROUT]. I am satisfied the bill is right. I have sent for him, but if anybody wants it, I can have the report read. From the facts as they appear, this bill should have a favorable recommendation from this committee, and I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

TELLISSE W. WILSON.

The next business on the Private Calendar was the bill (H. R. 427) for the relief of the heirs of Mrs. Tellisse W. Wilson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Tellisse W. Wilson, late a resident of Corinth, Miss., the sum of \$4,419.15, out of any money in the Treasury not otherwise appropriated, as compensation for property taken and used by the United States Army at Corinth, Miss., during the war of the rebellion.

The report (by Mr. HAUGEN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 427) for the relief of the heirs of Mrs. Tellisse W. Wilson, beg leave to submit the following report:

This is a claim for stores and supplies alleged to have been taken from Mrs. Tellisse W. Wilson near Corinth, Miss., by United States troops during the late war; claim stated at \$4,419.15.

The claim was presented to the Southern Claims Commission under the provisions of the act of March 3, 1871. The claim was disallowed by that commission, who in their report say:

"Some of the family may have entertained friendly feelings toward the Federal cause. If so, it is unfortunate no witnesses can be found to prove it."

Maj. Gen. G. M. Dodge says in reference to the loyalty of Mrs. Wilson: "I was in command and stationed at Corinth, Miss., from the fall of 1862 to the spring of 1863. During this time I was acquainted with Tellisse W. Wilson, now deceased. She had a reputation of being loyal to the United States Government, and, from my conversation with her during the time I was there, I have no doubt that she was loyal. She made claim for property destroyed in the building of fortifications around Corinth before I took command there, the extent of which I now forget, but from all appearances and to the best of my belief, and from my talk and conversation with her, I have no doubt that Tellisse W. Wilson was loyal to the United States Government during the rebellion."

Your committee are satisfied as to the loyalty of Mrs. Wilson, and that property to the value of \$4,419.15 was taken for military purposes by the Army of the United States, and report back the bill and recommend its passage.

Mr. HAUGEN. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

CHALKLEY GOOD.

The next business on the Private Calendar was the House resolution 72.

The resolution was read, as follows:

*Resolved*, That the bill (H. R. 5430) for the relief of the legal representatives of Chalkley Good, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. MAHON. Mr. Chairman, the bill was introduced by the gentleman from Pennsylvania [Mr. WANGER] asking for a direct appropriation. The committee thought it best to refer it to the Court of Claims for a finding of facts and let the court report the

facts back to Congress. I ask the resolution to be laid aside with a favorable recommendation.

The motion was agreed to.

MARY E. GRAY.

The next business on the Private Calendar was the House resolution 73.

The resolution was read, as follows:

*Resolved*, That the bill (H. R. 2730) for the relief Mary E. Gray, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and commonly known as the Tucker Act.

Mr. MAHON. I ask that this resolution sending this claim to the Court of Claims for a finding of facts and report back to Congress be laid aside with a favorable recommendation.

The motion was agreed to.

INDIAN DEPREDACTIONS.

The next business on the Private Calendar was the bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims.

The bill was read, as follows:

*Be it enacted, etc.*, That the following claims for loss of property in the Sioux Indian war of 1862 to 1866, which were not before the commissioners appointed under the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, are referred to the Court of Claims, which is hereby authorized and directed to investigate and determine the same on the principles upon which awards were made by the commissioners under the aforesaid act of February 16, 1863, namely, the claim of Matthew Wright, of Ottertail County, Minn., for loss of mill property; the claim of Abner M. Darling, administrator, of Todd County, Minn., for loss of livestock and crops; the claim of Frank C. Darling, of Ottertail County, Minn., for loss of live stock and other farm property; the claim of Jerome J. Getty, of Stearns County, Minn., for loss of dwelling, and the claim of Capt. George C. Whitcomb, now of Minneapolis, Minn., for loss of live stock, dwelling, outhouses, crops, and other farm property; and in considering the merits of the claims any testimony, affidavits, reports by special agents or other officers, and such other papers as are now on file in the Departments or in the courts relating to said claims shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper.

SEC. 2. That any judgment rendered by the Court of Claims under the provisions of the first section of this act shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to the respective claimant or to his personal representative.

SEC. 3. That either party, whether the United States or any of the above-named persons, shall have the right to prosecute within one year from the date of the entry of an adverse judgment a writ of error or an appeal to the Supreme Court of the United States.

Mr. CURTIS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CURTIS. What committee reports that bill?

Mr. OTJEN. The Committee on War Claims.

Mr. CURTIS. It is not a war-claim bill. It is an Indian-depredation claim.

Mr. MAHON. It was sent to the Committee on War Claims. We did not ask for it.

Mr. CURTIS. It should have been referred to the Committee on Indian Affairs.

Mr. MAHON. It is too late now to make the point of order against it.

Mr. OTJEN. The bill is reported from our committee.

Mr. CURTIS. Does it come up under the order?

The CHAIRMAN. It comes up under the order, being a bill reported from the Committee on War Claims, which has the right of way to-day.

Mr. OTJEN. Mr. Chairman, I reported this bill. This is a bill simply to refer these five claimants to the Court of Claims under the terms of an act passed February 16, 1863. According to the terms of that act there can only be allowed to these claimants the sum of \$200 apiece; so if these people succeed in establishing their claims before the Court of Claims they will obtain the sum of \$1,000, because the court can not go beyond the limit to each family, which is "not to exceed \$200."

Mr. PAYNE. How many families are there?

Mr. OTJEN. There are five of them, and their claims are similar to those which the commission appointed under that act passed upon, but for various reasons these people did not get their claims before the commission in time. I ask that the bill be laid aside with a favorable recommendation, and I reserve the balance of my time.

HAMILTON M. SAILORS.

The next business on the Private Calendar was the bill (H. R. 628) for the relief of Hamilton M. Sailors.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Hamilton M. Sailors, Company K, One hundred and first Indiana Volunteers, the difference in pay between that of a private and a second lieutenant from May 26, 1863, to October 10, 1863, he having performed the duties of the office under proper appointment and assignment.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. Mr. Chairman, this is a bill for the relief of a



soldier whom I know very well. I know that he performed the services in good faith and was in the battle of Chickamanga. He was promoted in the usual way to be second lieutenant of his company, and immediately entered upon the discharge of his duties, but neither he nor his commanding officer learned of the order of June 20, 1863, forbidding the mustering of second lieutenants where the company was below the minimum in numbers until October 10 following, during all of which time this man had in good faith been performing all the duties of the position, and he never drew or received any pay whatever except as a private, which was not sufficient to buy his uniform.

I move, Mr. Chairman, that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

WILLIAM WOLFE.

The next business on the Private Calendar was the bill (H. R. 5755) for the relief of William Wolfe.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William Wolfe, of Shelby County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$8,000, being for the value of the schooner *Anna Sophia*, lost or destroyed while in the service of the Quartermaster's Department of the Army in the year 1865: *Provided*, That the said William Wolfe shall accept the amount in full and final settlement of his claim.

Mr. MAHON. Mr. Chairman, I think if the Clerk will read that part of the report beginning on page 3, what is said by General Ludington, the House will have no doubt about the propriety of the bill.

The Clerk read as follows:

If this view of the case is concurred in by the Secretary of War, the question of a fair valuation of the vessel at the date of her entry into service remains to be determined. William Wolfe swears that the schooner was purchased from the Government April 5, 1865, for \$3,600, and that he expended on the same in repairs and alterations \$4,854.89, making her value \$8,454.89. William Hayes and E. L. Kotz each swear that she was worth \$8,000. The appraised value as fixed in the charter by the United States was \$8,000.

From the above I am of the opinion that \$8,000 is the maximum amount that should be allowed for her value.

Very respectfully,

M. I. LUDINGTON,

Quartermaster-General, United States Army.

THE SECRETARY OF WAR.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM E. WOODBRIDGE.

The next business on the Private Calendar was the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of William E. Woodbridge for compensation for the use of his alleged invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government, be, and the same is hereby, referred to the Court of Claims of the United States, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, according to its usual rules of procedure—

First. Whether the said Woodbridge was the original and first inventor of the said invention and entitled to a patent therefor.

Second. To what extent the said invention has been used by the United States Government, and what amount of compensation, if any, the said Woodbridge ought to receive, in equity and justice, from the United States Government for the past use of said invention. And in considering and determining the compensation to be made, if any, the said court shall, if it find that the said Woodbridge was the first and original inventor of said invention and entitled to a patent at the time of its order to issue, namely, March 25, 1852, proceed and be guided in all respects as though the aforesaid letters patent had been actually issued for the term of seventeen years from the date of the aforesaid order to issue; the court to render judgment, irrespective of lapse of time, in favor of the claimant with the same effect, including right of appeal, as judgments generally of said court.

Mr. MAHON. Mr. Chairman, this bill was reported six times by the Senate and ten times by the House. There is a dispute between the patentee and the United States Government, and the bill provides that under proper regulations it shall go to the Court of Claims and let them settle it.

The bill was laid aside to be reported to the House with a favorable recommendation.

HOLSTON SEMINARY, NEWMARKET, TENN.

The next business on the Private Calendar was the bill (H. R. 1889) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of Holston Seminary, formerly called Holston College, of Newmarket, Tenn., the sum of \$6,250, in full compensation for the use, occupation, and consumption of and damage to the property of said college and trustees by the military forces of the United States during the late war of the rebellion.

With the following amendment, recommended by the committee:

In line 7 strike out "six thousand two hundred and fifty" and insert in lieu thereof "three thousand."

Mr. GIBSON. Mr. Chairman, this is a twin claim to the one just passed for the relief of Carson-Newman College. The two places are close together, and the property was used by the same body of men. In the report of the committee there is a letter from General Sturgis, who had command of the army at that point, in which he states that the damages were from six to seven thousand dollars. The fact is, the committee ought to have allowed the full sum; but the committee refused to allow anything for apparatus and library upon the ground that it was destroyed. The proof showed that the soldiers used the books for fuel, and to that extent it was in the nature of supplies furnished the Army. But I do not care to make any contention on that point and am willing to take the bill as it is reported, although I feel that the full measure of justice has not been done this institution.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

R. A. SCHELLHOUSE.

The next business on the Calendar was House resolution 95.

The Clerk read the resolution, as follows:

*Resolved*, That the bill (H. R. 4086) for the relief of R. A. Schellhouse, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1867, and commonly known as the Tucker Act.

Mr. HAUGEN. Mr. Chairman, I wish to move an amendment to insert after the word "of," in line 1, the words "the legal representatives of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "of," in line 1, insert "the legal representatives of."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

E. B. CROZIER.

The next business was the bill (H. R. 1871) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, deceased, out of any money in the Treasury not otherwise appropriated, \$195 for services rendered as surgeon in the United States Army hospital at Outhbert, Ga., from June 15, 1865, to July 18, 1865, and for cost of transportation from Chattanooga, Tenn., to Clarksville, Tenn.

Mr. GIBSON. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

PAYMENT FOR HORSES.

Mr. MAHON. A short time ago the gentleman from Tennessee [Mr. Cox], who has long been a member of this House, and whom we all like, and who is about to retire from service here, asked to have a bill passed, but some objections were made. Upon consultation with the gentleman from New York [Mr. PAYNE] and others, an agreement has been reached, with the consent of the gentleman from Tennessee, that the bill be passed with certain amendments. There can not be many cases—I do not think there will be twenty—in which payment will be made for these horses. I hope there will be no objection to taking up the bill and passing it with the amendments which I will offer.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States.

Mr. MAHON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of the first section of the bill after the enacting clause.

At the end of section 2, strike out "said appropriation by the Treasurer of the United States" and insert "any money in the United States Treasury not otherwise appropriated."

Renumber sections 2 and 3.

Mr. MOODY of Massachusetts. Is this matter presented for unanimous consent?

The CHAIRMAN. Unanimous consent has been given to take up the bill.

Mr. MOODY of Massachusetts. I did not understand that unanimous consent had been given.

Mr. MAHON. Allow me to say to the gentleman from Massachusetts that the bill has been taken up in pursuance of a proposition which I just made, as a matter of courtesy to the gentleman of Tennessee [Mr. Cox], long a member of this House and who is soon to retire.

Mr. MOODY of Massachusetts. I would not stand in the way of the gentleman of Tennessee for a moment; but I would like to hear some explanation of the bill.

The question being taken on the amendments offered by Mr. MAHON, they were agreed to.

Mr. HEDGE. It seems to me one more amendment is necessary.



The bill speaks of the army of northern Virginia having surrendered on the 10th of April, 1865. It should be the 9th.

Mr. MAHON. That matter is immaterial; it is simply a part of the preamble.

The bill as amended was laid aside to be favorably reported to the House.

ROBERT SMALLS.

The next business was the bill (H. R. 6230) for the relief of Robert Smalls.

The bill was read, as follows:

Whereas Robert Smalls, on the 13th day of May, 1862, did capture the steamer *Planter*, with all the armament and ammunition for Fort Ripley, at the city of Charleston, taking her out and turning her over to the Federal blockading squadron off Charleston; and again, on the 1st day of December, 1863, while loaded with provisions for the Federal troops on Morris Island, and while a terrific fire was opened on her from Secessionville (she being deserted by her captain, Nicholson, Smalls being on board as a pilot), did take charge of said steamer *Planter* and did bring her through safe, for which act he was made captain by Gen. Q. A. Gillmore: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Robert Smalls, or his heirs at law, out of any moneys in the Treasury not otherwise appropriated, the sum of \$20,000, deducting only the amount paid to said Smalls under the act of May 13, 1862.

The amendment reported by the Committee on War Claims was read, as follows:

On page 2, in line 3, strike out "twenty" and insert "five," so as to read "five thousand dollars."

Mr. MAHON. Mr. Chairman, this claimant, Robert Smalls, is a colored man who was for some years a Representative on this floor and is probably known to some members here. This bill has been reported favorably time and again. I think there is no question that this man, at the great risk of his life, brought this vessel safely within the control of the United States. But after careful consideration, the committee has agreed to report the bill with an amendment, reducing the appropriation from \$20,000 to \$5,000.

The question being taken on the amendment, it was agreed to. The bill as amended was laid aside to be reported favorably to the House.

ESTATE OF W. W. DUNTON.

The next business was House resolution No. 96; which was read, as follows:

Resolved, That the bill (H. R. 4949) for the relief of the estate of W. W. Dunton, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. HENRY of Mississippi. I move that this resolution be laid aside to be reported favorably to the House.

The motion was agreed to.

A. T. HENSLEY.

The next business was the bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. T. Hensley, late of Lavaca, Tex., survivor of Fulton & Hensley, doing business under the name of the Lavaca Wharf Company, out of any money in the Treasury not otherwise appropriated, the sum of \$5,389.86, being for services rendered by said company to the United States in landing troops, baggage, and supplies in the year 1865.

Mr. SLAYDEN. I move that this bill be laid aside to be reported favorably to the House.

Mr. MCALL. I think there ought to be some explanation of the bill.

Mr. SLAYDEN. I ask the Clerk to read the report, after which I will say a few words in explanation of the case, if any gentleman desires it.

The report (by Mr. COOPER of Texas) was read, as follows:

[House Report No. 165, Fifty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2910) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of the Lavaca Wharf Company, submit the following report:

This is a bill enacting—

"That the Secretary of the Treasury be, and he is hereby, directed to pay the Lavaca Wharf Company the sum of \$5,389.86, out of any money in the Treasury not otherwise appropriated, in full compensation for services rendered by said company to the United States in landing troops, baggage, and supplies in the year 1865."

The claim of Lavaca Wharf Company against the United States for \$5,389.86 is for wharfage on property and soldiers of the United States, beginning July 24, 1865, and ending February 22, 1866, under the following circumstances, viz:

The Lavaca Wharf Company's wharf, which had been destroyed during the war of secession, was rebuilt after the close of the war, in the summer of 1865, by said wharf company; and the control of the wharf for landing Government freight was given to the United States officers in preference to private freight.

Col. S. H. Manning, chief quartermaster, Department of Texas, certified to the fact that the wharf was rebuilt after the close of the war, and recommended payment; and the account rendered is attested by the oath of the wharfmaster and secretary, and is 25 per cent less than was charged for private freight at the same time.

This claim was presented to Colonel Manning, chief quartermaster, at Galveston, who sent it to the Quartermaster-General at Washington, and by him was sent to Col. C. G. Sawtelle, chief quartermaster, at New Orleans, and with the report that under existing decisions of the War Department

the quartermaster is precluded from the consideration of claims arising in States heretofore declared in rebellion.

The following is Colonel Manning's report on the claim:

HEADQUARTERS DEPARTMENT OF TEXAS,  
OFFICE CHIEF QUARTERMASTER,  
Galveston, Tex., April 15, 1896.

Respectfully returned to Bvt. Col. C. H. Whittlesey, assistant adjutant-general, Department of Texas.

I would state that I have no authority to settle wharf accounts. I am of the opinion that this wharf company should be paid, as they rebuilt the wharf after the occupation of the State by United States troops.

I would suggest that this account be forwarded to the Quartermaster-General for authority to settle the within at such rates as he may establish, whatever expense the Government has been to in the way of repairs to be deducted.

S. H. MANNING,

Colonel and Chief Quartermaster, Department of Texas.

This property, at the time the Government used it, was owned by Z. K. Fulton and A. T. Hensley, under the firm name of Fulton & Hensley. Z. K. Fulton sold and assigned his one-half interest in the property to A. T. Hensley.

Your committee recommend the passage of the bill.

On motion of Mr. MAHON the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

H. P. DYER.

The next business was the bill (H. R. 5874) to pay H. P. Dyer for carrying mail.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to H. P. Dyer the sum of \$354.94 out of any moneys in the Treasury not otherwise appropriated, for services in carrying mail on route No. 8745, in Texas, from January 1 to May 31, 1861.

Mr. HAUGEN. Mr. Chairman, this bill is to pay H. P. Dyer the sum of \$354.94 for services in carrying mail on route No. 8745 in the State of Texas, from January 1 to May 31, 1861. I ask that a communication from the Auditor for the Post-Office Department in explanation of the bill be read.

The Clerk read as follows:

TREASURY DEPARTMENT.

OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Washington, D. C., January 8, 1900.

SIR: In reply to the letter of J. A. Dyer, of Des Moines, Iowa, dated December 20, 1899, received by reference from the Second Assistant Postmaster-General, I have the honor to inform you that in February, 1883, the claim of H. P. Dyer for mail service on route No. 8745, in the State of Texas, in 1861, was audited in this office, and the balance accrued to his credit for service from January 1 to May 31, 1861, amounting to \$354.94, was reported to Congress for appropriation. In June of the same year his claim was filed in the Court of Claims, and is known in said court as cause No. 13444; but what action, if any, has been taken by said court in the case this office has not been advised.

No provision has yet been made by Congress for the payment of this class of claims. Many of these claims were paid by the Confederate States government, but the Confederate records (mutilated) now in the custody of this office do not show, so far as they go, that any payment was made to Mr. Dyer for service under his contract with the United States.

Your correspondent's letter is herewith returned.

Respectfully,

HENRY A. CASTLE, Auditor.

Hon. J. A. T. HULL,  
House of Representatives.

Mr. HAUGEN. If there is no opposition to the bill, I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. CANNON. Mr. Chairman, I doubt the propriety of passing this bill. It is one of a great number of claims, aggregating I suppose half a million dollars, more or less, which are on all fours with it. Fifteen or twenty years ago it was proposed to pay all these so-called ante-war claims. They arose under these circumstances: When the rebellion broke out and the Southern Confederacy was established, provision was made by the Confederate government for the continuation of the service upon the mail routes as they existed at the time of secession. Presumably this service continued on this route, as well as on the mail routes generally in the confines of the Confederacy. Provision was also made for the payment by the Confederate States of the parties performing the mail service.

Now, I recollect that the ex-Postmaster-General of the Confederacy, Mr. Reagan, was a member of the House when the matter was being considered, and the former Postmaster-General was quite sure that these claims had never been paid, when, on the motion of Mr. Willetts, a member from Michigan, the records were produced showing that a part of them at least had been paid. Then all of them were abandoned, and they have substantially remained in that condition up to the present time.

Now that there was provision made for the payment of this service by the Confederate States will not be disputed. That in many, if not most instances, payment was made by the Confederate States will not be disputed. It is true that the letter which has just been read says that in the mutilated condition of the Confederate records they can not tell whether this claim has been paid or not. In their mutilated condition there is nothing to show that this claim has been paid, but it might have been paid. The service was performed under the Confederacy. Provision was made by the Confederacy for the payment, and presumably it was paid.



Mr. HULL. If the gentleman will permit me, I want to say that in this case I happen to know the parties. They have lived in my district for a good many years. The claimant is a very old man. He did not continue to carry out the contract under the Confederacy. He commenced to try to get North when the war broke out, and has lived in the North since before the close of the war. There is no evidence whatever that he has ever been paid. This service was rendered to the Federal Government before the act of secession; and, as a citizen of the United States, he preferred to be loyal to the Union at large rather than to go with the State. He never has been paid. There is evidence enough, I think, to satisfy even my friend.

I could have furnished letters here in the report, if I had thought of it, showing when he came first to Missouri and then to Iowa, getting away from Texas before the war was over. In the cases where the Confederacy paid these claims, I think without exception the parties having the contract were in sympathy with the act of secession, and cast their fortunes with the Confederacy. I think there is probably no exception to that. In this case the man was not in sympathy with the Confederacy, did not believe in the act of secession, did not fulfill his contract after Texas went out of the Union, and he asks pay simply for what he did while in the employ of the United States Government. It seems to me that it is as good a claim as could possibly come before the Congress of the United States.

Mr. HENRY of Mississippi. You do not intend to say that a man's sympathies and feelings, expressed after the contract accrued, would affect his service?

Mr. HULL. Not at all.

Mr. HENRY of Mississippi. Because I believe this is a good and proper claim.

Mr. HULL. I will say to my friend from Mississippi that I only used that as an argument to show that he did not continue the contract, and that he did not get pay from the Confederacy; that is all.

Mr. HENRY of Mississippi. And I want to say this to help you along, that I talked to the officer who has charge of these records, and he said that those were the best kept books that he ever saw. Everything was clearly shown.

Mr. HULL. To my mind what the man did afterwards would make no difference, whether he went into the Confederacy or not, if he performed the service for the Government of the United States while under contract with the Government. I only mentioned the facts that I did as an argument to show that he had never been paid by the Confederacy.

Mr. HENRY of Mississippi. Certainly; and the books do not show it.

Mr. HULL. What the man did afterwards does not make any difference. The argument simply goes as to whether he was paid or not by the Confederacy. Occupying the position he did, throwing up his contract as he did after secession, going into a Union State before the war closed, and living in those States from that day to this, is absolute evidence to my mind that he could not have been paid by the Confederacy, in addition to his own statements and letters in regard to the matter.

It does seem to me that in this case there ought to be no opposition to the payment of a claim that the Union authorities and Government officers say should be paid. The mere fact that he has been kept out of it all these years is no reason why the Congress of the United States should now refuse to give to a man what he honestly earns while in the employment of the Government. In view of the losses which he sustained as a result of the action of his State, breaking up his business, destroying his prosperity, sending him among strangers to live from that time on, to make new associations, new affiliations and business relations, it is a very small thing now to pay him this \$345 which the Government owes him.

Mr. CANNON. The gentleman makes a number of statements. There is nothing in the bill nor in the report to show whether this man continued to perform service upon this route after May 31, 1861, or not. There is nothing to show when he left the State of Texas, and nothing to show whether he was ever paid or not. The gentleman feels confident that he was not paid, but it does not abound in the report. It does not abound even in the affidavit of the claimant; but the letter from the auditor does show that these records are in a mutilated condition.

Mr. McRAE. Mr. Chairman, I think this bill ought to be paid, but I want to take exception to some of the reasons given by the gentleman from Iowa [Mr. HULL] why the claim should be paid. I hold that if this man performed the service for the United States Government—and there can be no question about that—and has not been paid for that service, it ought to pay for it now.

Mr. CANNON. Suppose the other Government paid it?

Mr. McRAE. Then if this Government can show that, it ought not to pay it.

Mr. CANNON. Presumably, did not the other Government

pay it, in the absence of proof to the contrary, when the statement here shows that the records were mutilated?

Mr. McRAE. No; the reverse is true. Under the plea of payment the burden of proof is always upon the person who makes it. Now, the records are not so mutilated as this letter would indicate. That is a stereotyped letter that goes to everybody who has a claim of that kind. But where the records show payment, you will find that the Auditor will promptly call your attention to it. The records of the Confederate Government, now in possession of this Government, do not show payment in this case. This Government has not paid it. The service was under contract and the amount known. The Government with whom the contract was made and for whom the service was performed ought to pay for it.

But I want to say to the gentleman from Iowa [Mr. HULL] that if this claim is to be pushed through upon the ground only that this man did not live in the Southern States after the war, or that he is supposed not to have sympathized with the South at that time, that it ought to be paid. There should be the same treatment for all claimants of every section.

Mr. HULL. I want to say to my friend that I explained that in answer to the gentleman from Mississippi [Mr. HENRY], and only used it as an argument to show that the Confederate government had not paid him, in addition to the failure of the records to show that he was paid. That is the only purpose for which I used that.

Mr. McRAE. Under the decision in the cases of Padelford and Klien, which have been followed in a number of other cases since, the property rights of the people of the South were restored, and the question of loyalty should not enter into the case. It should not be considered in any case if we are to give binding force and effect to the amnesty proclamation of President Lincoln, the effect of which has been interpreted by the Supreme Court to eliminate all question of loyalty. I think the Southern claimants are as much entitled to consideration as those from other sections. So I insist that every man who carried the mail in 1861 that has not been paid by either government ought to be paid what is due, and common honesty demands that it should not be longer delayed.

Mr. HAUGEN. The statement made by the gentleman from Illinois that these claims amount to half a million is not an argument. I am in favor of paying every honest claim whether it be half a million or ten millions. This Government can not afford to repudiate a Government debt. The evidence before this committee and this House is that this man was employed by this Government, that he rendered the service to the Government; the evidence is that he has not been paid, and there is no reason why he should not be paid. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

R. H. SHROPSHIRE.

The next business on the Private Calendar was the House resolution 113.

The Clerk read as follows:

*Resolved*, That the bill (H. R. 6889) for the relief of R. H. Shropshire, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the provisions of the act approved March 3, 1887, and generally known as the Tucker Act.

Mr. CALDWELL. Mr. Chairman, this bill was introduced by myself, and it is reported unanimously from the committee. I move that it be laid aside with a favorable recommendation.

The motion was agreed to.

AGNES AND MARIA DE LEON.

The next business on the Private Calendar was the bill (H. R. 2619) for the relief of Agnes and Maria De Leon.

The bill was read, as follows:

*Be it enacted*, etc., That the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated to pay to Agnes De Leon and Maria De Leon, heirs at law of Rebecca L. D. Leon, deceased, the sum of \$2,056 for injury to the buildings of said Rebecca L. De Leon in Albuquerque, N. Mex., and consequent loss of rent, in the year 1882, and in the lifetime of the said Rebecca L. De Leon, which buildings were occupied under a lease by the United States, were partially destroyed by the United States troops to prevent them and the stores therein contained from falling into the hands of the enemy in the war between the States.

Mr. MAHON. Mr. Chairman, I ask that that bill be passed without prejudice.

Mr. DOLLIVER. I hope that that will not be done.

Mr. MAHON. Then, Mr. Chairman, I ask that the report be read.

The report (by Mr. CALDWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2619) for the relief of Agnes and Maria De Leon, beg leave to submit the following report:

The facts out of which this bill for relief arises will be found stated in a report of the Committee on War Claims of the Forty-fifth Congress, and is as follows:

"The Committee on War Claims, having had the bill granting relief to Agnes and Maria De Leon, heirs of Rebecca L. De Leon, for rent of house by United States troops, under consideration, report as follows:

"Accounts in the Quartermaster-General's Office show that a house of seven



rooms was rented from claimants, or their intestate, at Albuquerque, N. Mex., from August 15, 1856, to September, 1861, at the rate of \$56 per month, and occupied by Assistant Surgeon Norris as quartermaster storerooms and office.

"In October, 1861, a house of four rooms was occupied by Assistant Surgeon Bailly for storerooms, at \$29 per month, and two rooms as storerooms for medical stores, at \$15 per month, until May 2, 1862. It is also shown that a nominal balance was then due for rent.

"The report of a board of survey in the same office shows that it was appointed to assess the damages upon the buildings which were rented and occupied to the 2d of March, 1862, when a portion of these houses were destroyed, which they assessed at \$250. The said damages, according to said report, were consequent upon the abandonment by the United States troops on the 2d of March, 1862, and their subsequent occupation by the enemy, two rooms of the same building having been destroyed by order of the assistant surgeon in charge of the hospital.

"The committee further find that the actual cost of restoring said building to its former condition was \$1,000 and upward, and that by reason of the damages to the house, and the inability of the owners to repair it, there was a loss of two years' or more rent entailed upon the owners. The rent of the rooms at the rate at which they were rented at the time of the burning, for the period of two years, would amount to \$1,056. If, therefore, the Government was required to make good the entire loss—that is, the cost of restoring the property to the condition in which it was when they had possession, and the loss of rent consequent upon the destruction of property by the Government—the amount would be \$2,056. But the claimants only ask in their bill for the sum of \$1,000.

"There is no evidence of the time of duration of the lease of the property. The general rule on the part of the Government is to provide in the lease for its termination at the will of the Government. But, although such may have been one of the provisions of this lease, yet, when the Government destroyed the property leased, thus placing it beyond the power of the tenant to secure another tenant, the Government should, it seems to the committee, make good the rent during the time the premises, by reason of the destruction, remained unoccupied, or it should make good the amount necessary to restore the property to its former condition, and in either event the amount would reach the sum asked in the bill.

"It is true the board of survey places the damages at \$250, but the sworn statement of the claimants places the actual expenditures in repairing the property at \$1,000 and upward. The committee think the sworn statement of actual outlays in repairs as the most reliable basis of calculation for reaching the amount which ought to be paid.

"The committee therefore report the bill back to the House and recommend its passage."

Your committee report back the bill and recommend its passage with the following amendment:

In line 7 strike out "two thousand fifty-six" and insert in lieu thereof "one thousand."

Mr. MAHON. I move that the bill be laid aside with a favorable recommendation.

Mr. CANNON. I hope that will not be done.

Mr. DOLLIVER. Mr. Chairman, this is a bill which I introduced, although the parties claiming under it are comparative strangers to me. The claim was brought to my attention many years ago, during my service upon the Committee on War Claims, and the two old ladies interested in it have ever since that time called upon me at the beginning of every Congress to introduce their bill. I would not have introduced it except after careful investigation I was convinced that the bill was just and the amount claimed ought to be paid. It is comparatively easy in this House to get a bill through which involves two or three hundred thousand dollars, especially if the claimants have influential and active friends. These two old ladies are now sick, and have been for months in the Garfield Hospital in this city, are without means and without friends.

The Government rented this property from them, moved out before the lease was up, and by order of the officers in charge destroyed the property or damaged it. Their expense in repairing is the amount sought to be recovered by this bill. It is a thousand dollars by the committee's report. In previous Congresses it has been reported as high as two or more thousand dollars. The committee has cut the amount down, I think, below the actual damages sustained by these people; and while I only know them casually, I know of their needs, their distress, and of the justice of this claim. I therefore trust the committee will promptly report this bill favorably.

Mr. CANNON. Well, now, Mr. Chairman, after the appeal of the gentleman from Iowa, with the fact that these ladies are old, in distress, in Garfield Hospital, and need this money, I am quite willing, upon his request, to submit—at least that would be proper—to absolutely appropriate a thousand dollars for their relief.

But let us look at this a minute:

Accounts in the Quartermaster-General's Office show that a house of seven rooms was rented from claimants, or their intestate, at Albuquerque, N. Mex., from August 15, 1856, to September, 1861, at the rate of \$56 per month, and occupied by Assistant Surgeon Norris as quartermaster storerooms and office.

No pretense but what the rent has been paid.

In October, 1861, a house of four rooms was occupied by Assistant Surgeon Bailly for storerooms, at \$29 per month, and two rooms as storerooms for medical stores, at \$15 per month, until May 2, 1862.

Were there two houses, or only one?

Mr. DOLLIVER. Two, I should judge from that report.

Mr. CANNON. The gentleman says he "should judge." I will ask the gentleman who makes this report. Does anybody know whether there were two houses or one house rented by the Government?

Mr. MAHON. The evidence in the committee room shows this house was held by the Government.

Mr. CANNON. Was it one or two houses?

Mr. MAHON. I think it was two.

Mr. CANNON. The gentleman says "he thinks."

Mr. MAHON. The bill has been reported three or four months, and I can not remember.

Mr. CANNON. I am just reading from the report, and I can not, for the life of me, nor do I believe anybody else can, tell whether it was one house or two.

Mr. DOLLIVER. The report says two.

Mr. CANNON. Let us read it and see:

Accounts in the Quartermaster-General's Office show that a house of seven rooms was rented from claimants, or their intestates, at Albuquerque, N. Mex., from August 15, 1856, to September, 1861, at the rate of \$56 per month, and occupied by Assistant Surgeon Norris as quartermaster storerooms and office.

In October, 1861, a house of four rooms was occupied by Assistant Surgeon Bailly for storerooms, at \$29 per month, and two rooms as storerooms for medical stores, at \$15 per month, until May 2, 1862. It is also shown that a nominal balance was then due for rent.

Now, I will ask again, was it two houses or one house?

Mr. MAHON. Two houses.

Mr. CANNON. Is this for damages to two houses or to one house?

Mr. MAHON. I want to say to the gentleman that I think one house was more badly damaged than the other.

Mr. CANNON. Let us read on:

The report of a board of survey in the same office—

That is, the Quartermaster-General's Office—

shows that it was appointed to assess the damages upon the buildings which were rented and occupied to the 2d of March, 1862—

Mr. DOLLIVER. That being in the plural would indicate that there must be more than one house.

Mr. CANNON (continuing the reading)—

when a portion of these houses were destroyed, which they assessed at \$250.

Now, if there were two houses, one was occupied until May, 1862; so it could not have been that house that was damaged. Now, then, this board of survey, if we are to pay for the one house or the two houses, assessed it at \$250, and that is all. The report goes on to say:

The said damages, according to said report, were consequent upon the abandonment by the United States troops on the 2d of March, 1862, and their subsequent occupation by the enemy, two rooms of the same building having been destroyed by order of the assistant surgeon in charge of the hospital.

So, if there were two buildings, there were only two rooms destroyed; and whether it was destroyed before the enemy came in and took possession or not in 1862, or after the enemy came in and took possession, I do not know. Does anybody know?

Mr. MAHON. I want to say that all the evidence shows that the army had surrendered. These claimants produced the vouchers of the repairs laid out on the house, and we have allowed them less than the bid of the carpenters and contractors. As a rule, the Government always repairs the buildings themselves.

Mr. CANNON. On the contrary, the lessor always makes repairs.

Mr. MAHON. Not under these circumstances, when the building is partially destroyed.

Mr. CANNON. Invariably; and that is the universal rule where buildings are leased, if destroyed the rent stops.

Mr. DOLLIVER. I know my friend has a vein of good, solid justice in him—

Mr. CANNON. Yes; I have no doubt the old ladies are poor and needy, and let us give them a thousand dollars, and not give it under false pretenses.

Mr. DOLLIVER. There is no false pretense about this. The Government rented these buildings of these women and left before the lease was up and destroyed the property. Why is it not in duty bound to pay?

Mr. MAHON. They tore down partitions in the house and otherwise damaged the property.

Mr. CANNON. The report does not show it.

Mr. MAHON. We could not publish all the evidence in the case.

Mr. CANNON. Does the gentleman say that that is the case?

Mr. MAHON. Yes; it cost more than \$2,000 to make the repairs, but we reduced it to a thousand dollars.

Mr. PAYNE. Do they allow rent and damages both?

Mr. CANNON. The truth is the Confederate army chased our Army out, and the Confederate army took possession of the building in 1862, and long afterwards they come in here and ask for these damages. Now, then, the board of survey fixed the amount of damages that were inflicted under the order of the Federal Government at \$250.

Mr. MAHON. That is right.

Mr. CANNON. Now, then, way along after the war closed, these claimants come in here—

Mr. DOLLIVER. Not so dreadfully long; this claim has been here since the Forty-fifth Congress.

Mr. CANNON. The Forty-fifth Congress came in about 1876



or 1877. Now, the truth of the matter is, if we owe them anything we owe them more than \$250; but my judgment is we do not owe them anything.

Mr. MAHON. It is true that the board of Army officers awarded them \$250, but they were not familiar with the price of labor and material, and when they came to repair the house the evidence shows that it cost them nearly \$2,000.

Mr. CANNON. How is that shown?

Mr. MAHON. It is shown by affidavits.

Mr. CANNON. Whose affidavit?

Mr. MAHON. I do not know whether it was John Smith or John Jones. It has been some months since I went over this evidence and I can not keep it all in my mind.

Mr. CANNON. Well, so far as I am concerned, I have said all I want to about it. The truth of the matter is, this is a gift of a thousand dollars to two people who, presumably, are very worthy. I have no objection to the gift, if the House wants to make it, but I do object to this being established as a precedent which shall bind us in like cases.

Mr. MAHON. Does the gentleman desire to amend the bill?

Mr. CANNON. I suggest that the gentleman amend the bill so as to show just what this proposition is.

Mr. MAHON. I have no objection to the gentleman offering an amendment, if he wishes to do so.

Mr. CANNON. Very well; at the gentleman's suggestion, I will move to amend the bill by striking out all after the enacting clause and inserting:

That there be, and is hereby, appropriated \$1,000 for the benefit of Agnes De Leon and Maria De Leon out of any money in the Treasury not otherwise appropriated.

Mr. DOLLIVER. I must object to any amendment of that sort. This is no gratuity. The chairman of the committee states that there is full evidence before the committee showing the facts on which this claim rests. The passage of this bill is an act of justice, and the only gratuity involved here is the good will that a few of us have extended toward these friendless old ladies.

Mr. CANNON. I sympathize with those old ladies; and I am perfectly willing that a thousand dollars should be appropriated, because it looks ungracious to oppose it; but I prefer that the proposition should pass for what it is.

Mr. COONEY. Mr. Chairman, I would like to ask the gentleman in charge of this bill a question for my information, not only in regard to this bill, but bills of a similar character. If I understand correctly, this bill carries an appropriation of \$1,000 to pay for the burning of a building.

Mr. MAHON. Not the burning.

Mr. COONEY. Well, I will say the destruction of a building. It has not been made plain to me whether this building was destroyed by officers of the Federal Government while occupied by them, or whether it was destroyed by unforeseen circumstances or by the public enemy. I would like to understand—

Mr. MAHON. The committee reports that the building was destroyed by officers of the Federal Government. I will say to the gentleman—

Mr. COONEY. I am not through. I am trying to get some information from the committee of which the gentleman is chairman.

Mr. MAHON. This money is asked for the destruction of a building by officers of the Government.

Mr. COONEY. I want to say that I have bills pending before the same committee for occupation and destruction of buildings; but I have been told again and again by members of the committee that bills of this kind would not be reported to the House.

Mr. MAHON. Allow me to explain—

Mr. COONEY. I would like to understand whether this bill is similar to those which I have before the committee.

Mr. MAHON. The proposition originally in this case was to refer the claim to the Court of Claims under the Tucker Act. We have several hundred of such bills in our committee room; but I will be frank and say that here were two old ladies in Garfield Hospital—

Mr. COONEY. Is this an exception to the other bills?

Mr. MAHON. Yes, sir. On account of the destitute circumstances of these old people we thought we would report the bill directly to the House; otherwise the claim would have gone to the Court of Claims under the Tucker Act.

Mr. COONEY. I do not see why we should make an exception in behalf of these two persons; and I do not see why in the proceedings of Congress the bill of one member should be favored rather than that of another.

Mr. GAINES. Will the gentleman from Pennsylvania please state what the Government did to this building—how the damage was inflicted?

Mr. MAHON. The United States officers occupying this building tore down partitions, put in doors, and in other ways did great damage to the house. The quartermaster had some supplies stored there. After leaving the property the Government

paid \$250 for damages; but the evidence shows beyond all controversy that more than the amount we propose to pay by this bill would be required to put the house in the condition in which it was before its occupation by the officers of the Government.

The CHAIRMAN. The question is on the amendment of the committee.

The amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Illinois [Mr. CANNON].

The substitute was rejected.

Mr. MAHON. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

JERONEMUS S. UNDERHILL.

The next business was the bill (H. R. 4451) for the relief of Jeronemus S. Underhill.

The bill was read, as follows:

*Be it enacted, etc.,* That the claim of Jeronemus S. Underhill for further compensation for the construction of the river and harbor monitor *Modoc* may be submitted by said claimant within six months after the passage of this act to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation and allowance or disallowance of said claim shall be made upon the following basis: The said court shall ascertain and allow the additional cost which was necessarily incurred by the contractor for building the said monitor, in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work, including the extra and increased cost of labor and material used in such construction by said claimant: *Provided,* That such additional cost in completing the same and such changes and alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *Provided, also,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided further,* That such alterations, when made, complied with the specifications for the same, as furnished by the Government aforesaid: *Provided further,* That all moneys paid to said contractor by the Government, over and above the original contract price for building said vessel, on account of the changes, alterations, and delays hereinbefore stated, shall be deducted from any amounts allowed by said court on account of the same matters: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plans and specifications a corresponding deduction shall be made from the contract price and the amount thereof be deducted from any allowance to be made by said court to said claimant.

SEC. 2. That all acts and parts of acts which are inconsistent with this act are hereby repealed.

Mr. MAHON. I move that the bill be laid aside to be reported favorably to the House.

Mr. CANNON. How much money is involved in this claim?

Mr. MAHON. This House has been making direct appropriations in a good many of these cases. About two-thirds of the claims arising in cases of this kind have been paid. This bill does not propose to allow any extras. The committee has adopted in reference to bills of this class the policy of referring them to the Court of Claims for the adjustment of questions arising under the contracts. The Court of Claims is the proper place for the settlement of this question between the Government and her citizens. These bills are carefully drawn, and if the Court of Claims should find that the contractors are indebted to the Government, they will have to pay what they owe.

Mr. CANNON. Have not these contractors been settled with and their receipts taken?

Mr. MAHON. The gentleman will understand that in this case the plans and specifications were changed over and over again. The Navy Department does not deny that. These boats were built under the direction of Mr. Stimers, who, as everybody admits, even the Department, was a great bungler. All this trouble arose out of the inefficiency of this officer of the Navy Department. The case ought to go to the court. We have them all on the Calendar, some four or five of them. Let them go to the Court of Claims and let them fight their battles there. I am opposed to making direct appropriations as we have been doing. The Government will save money by sending these people to the Court of Claims and letting them settle these controversies there. They will have to come back here for their money anyway.

Mr. GAINES. How much does this bill propose to pay?

Mr. MAHON. I do not know whether it will be twenty-five thousand, thirty thousand, or forty thousand dollars. That is for the court to determine. The bill is carefully drawn for the purpose of protecting the Government.

Mr. CANNON. Did not the Government settle with these contractors and get their receipt in full?

Mr. MAHON. The gentleman understands that as well as I do.

Mr. CANNON. I am asking my friend.

Mr. MAHON. These boats were put under contract in 1861. That contract provided that changes could be made. The gentleman also knows that through no fault of the contractors these vessels were not finished, some of them, in 1865, when labor and



material advanced. The truth is that nearly all of these contractors were bankrupted by the Government. Now, they paid them the original price. Of course, these men building a boat that cost three or four hundred thousand dollars could not wait for all the money up to this time, and they receipted for what the Government would pay them. To be frank with the gentleman, I suppose those receipts are in full, but the courts have held in other cases that those receipts, given under those circumstances, when the fault was with the Government, were not conclusive against the claimant. This is an old question that has been thrashed over in this House, about these bills, time and again.

Mr. CANNON. I do not think it has been thrashed over.

Mr. MAHON. It has been frequently talked about.

Mr. GAINES. Has Congress ever refused to pay this claim?

Mr. MAHON. Oh, bills have been reported and placed on the Calendar. I do not think this man's bill has ever got far enough to be voted upon.

Mr. GAINES. This particular bill, or similar bills?

Mr. MAHON. No.

Mr. GAINES. Congress has never refused to pay it?

Mr. MAHON. No; but they have paid many of them.

Mr. CANNON. "Congress has never refused to pay them!" That illuminates the situation very much!

Mr. MAHON. I simply answered the gentleman's question.

Mr. CANNON. Here is the fact, and the gentleman confirms it: The Government of the United States entered into a contract with these parties a generation ago to build a monitor. They built it, and the Government paid them on settlement and took their receipt in full. Now, I want to call the attention of the gentleman from Tennessee [Mr. GAINES] to that statement, confirmed by the gentleman from Pennsylvania, chairman of the Committee on War Claims. The Government paid these men the contract price and took their receipt in full; so that the Government does not owe these contractors the one-thousandth part of 1 cent.

Mr. GAINES. Do you know, as a matter of fact, that they took a receipt in full?

Mr. CANNON. I so stated, as a fact of general reputation, confirmed by the chairman of the Committee on War Claims [Mr. MAHON], who knows more about these matters than I do.

Mr. GAINES. I do not think he does.

Mr. CANNON. Now, what does this bill provide?

That the claim of Jeronemus S. Underhill for further compensation for the construction of the river and harbor monitor *Modoc* may be submitted by said claimant within six months after the passage of this act to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same.

Now, here comes in the joker. If you stopped right there and they could go into the Court of Claims and sue, why, you could plead the receipt in full settlement and payment. But—

*Provided, however—*

What a good thing a proviso is; and if it is "*Provided, however,*" what a nice sounding set of words it makes—

*Provided, however,* That the investigation and allowance or disallowance of said claim shall be made upon the following basis: The said court shall ascertain and allow the additional cost which was necessarily incurred by the contractor for building the said monitor, in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work, including the extra and increased cost of labor and material used in such construction by said claimant.

Now, the Government made this contract. The Government no doubt provided, as in all its contracts for the construction of ships, for changes. But after they provided for changes and the work was done, and the settlement was had and payment was made in full, these parties come and claim "say, notwithstanding that settlement in full and our receipts in full, the truth is that the Government made some changes, and with material going up and wages going up, it cost us more."

Well, they took the contract at their risk, and whether they did or not, I appeal to the gentleman from Mississippi again if it is not a fact that under the contract a full settlement was made and full payment was made, and that if this goes to the Court of Claims without reference to the contract, this law in the proviso says to the Court of Claims: "Throw the contract to one side, throw the settlement to one side, and if, in point of fact, the changes that the Government made did cost these parties more in increase of labor and material and advance in prices, then render judgment," and the court has no option. If I knew what that increase was, I would just as soon vote the appropriation without sending them to the Court of Claims, because it goes to the Court of Claims with indirection.

Now, they talk about this Government being a poor paymaster. Men through these corridors year in and year out and say, "My God, this country owes me money. The Government is unjust; it will not pay." Why, the great quantity of them have had their day in court and have been turned down. Other great blocks of them come after the work is done and full settlement had and full payment made, and the officers die, and the Congresses that au-

thorized the work pass away, and they come walking into the corridors here saying, "I am a poor claimant," whereas, in fact, they were paid a generation ago and receipted in full.

Now, I have said all I want to about this matter. I shall vote against it, because I do not feel that I have the right, after a generation has passed by, to vote for a bill with these provisions in it that will say to the Court of Claims, "Pay these men without reference to contract or justice or equity, notwithstanding they were paid a generation ago and gave their receipt in full."

Mr. MAHON. Mr. Chairman, if I were to come here with a bill making a direct appropriation of \$50,000, then I would be met with the argument, "Why do you not refer this case to the Court of Claims?" And when I do come with a well-prepared bill to take no advantage of the Government, asking that the claim be referred to the Court of Claims, then I am met with the question, "Why do you not ask for a direct appropriation?"

Now, the gentleman from Illinois [Mr. CANNON] knows as well as I know that these men who contracted to build these monitors under the supervision of the Navy Department were forced to take the original contract price and to execute a voucher before they would give it to them; and I state here, without fear of successful contradiction, that the treatment which these men received at the hands of the Government resulted in the financial ruin of many of those who undertook these contracts.

Now, as against the speech of the gentleman from Illinois, I am going to have the Clerk read a report from the Chief Engineer of the Navy Department, who knows what he is talking about. It is not long, and I will ask this House to listen to it. It refutes every argument that the gentleman has made. It shows that the conduct of the Navy Department toward these men and the way it handled them was simply an outrage, not only upon the solemn contracts they had made, but that the treatment they have received ever since at the hands of the Department is outrageous. Now, Mr. Clerk, I will ask you in my time to read the report of B. F. Isherwood, Chief Engineer of the United States Navy, a man who knows what he is talking about. He tells the story of these unfortunate people who constructed these monitors. I want you to read it loud, so that every member of the House can hear it, and especially the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

WASHINGTON, D. C., January 26, 1887.

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply, I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfian C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammelled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection, without careful investigation of Mr. Stimers's abilities, was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system 20 vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about \$8,000,000, and there was, in my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials, and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise at that date in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result, the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and



specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon nor complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not, at that time, be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time, by estimating the cost to the contractors of the original work had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government, taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work which was done according to the original contract was much increased at the expense of the contractors.

Respectfully,

B. F. ISHERWOOD,  
Chief Engineer, United States Navy.

Hon. BENJAMIN BUTTERWORTH.

Mr. MAHON. That is the case of these contractors.

Mr. GAINES. Will the gentleman yield to me for a moment? The prosperity, as I understand, superinduced by the war raised the price and increased the cost of material and the payment for labor on account of its absence. Is not that something like the Republican prosperity of to-day?

Mr. MAHON. There is the story of the trouble of these men, coming from the Chief Engineer of the Navy, showing that this whole trouble grew out of the Navy Department putting a man in charge of these vessels who knew absolutely nothing about it, and they ruined these men financially.

Now, these bills are not asking for a direct appropriation. Congress has already appropriated half a million, if not more, in paying cases like these—the Portland Company, the *Peoria* and other boats. In other words, two-thirds of these boat builders have been paid by a direct appropriation. This committee refers these claims to the Court of Claims. There is nothing in the bill which calls upon the court to find anything more than the facts; to ascertain what loss, if any, they incurred by reason of the changes in their contracts; and if the changes cost less than their contract, that that amount is to be deducted, and nothing more to be allowed for it. We can not make a fairer case than that; and this report which I have had read is a complete refutation of the statement of the gentleman from Illinois. I move that this bill be laid aside with a favorable recommendation.

Mr. CANNON. Did these parties ever go to the Court of Claims?

Mr. MAHON. No, sir.

Mr. CANNON. Why did they not go to the Court of Claims?

Mr. MAHON. They can not go to the Court of Claims unless we authorize them to go.

Mr. CANNON. Oh, yes; anybody could go to the Court of Claims; and why did they not go to the Court of Claims?

Mr. MAHON. They could not go to the Court of Claims.

Mr. CANNON. On a Government contract these gentlemen and all gentlemen in the late sixties and seventies had a perfect right, without asking anybody's leave, to go to the Court of Claims.

Mr. MAHON. These gentlemen for long years made a fight before the Navy Department; and thought justice would be done them in that Department. Now the time has gone for them to go to the Court of Claims, and we alone can send them there.

Mr. CANNON. They did not go to the Court of Claims, as the gentleman well knows, in the six years that they might have gone

to that court. Why? Because they had given their receipt in full payment.

Mr. MAHON. There was no court for them to go to.

Mr. CANNON. For their work for the Government, and that receipt is of record to-day, and that pleaded would bar them, unless the Court of Claims is to be shackled and manacled.

Mr. MAHON. We do not manacle the court.

Mr. CANNON (continuing). By the provisions put in this bill, I trust the bill will not be passed.

Mr. MAHON. I want to say for one, as a representative of the American people, that I will not vote to do this rascality against these people and practice dishonesty upon them. I do not know these men; but I have examined their cases and I have examined the report of the Navy Department, and, in the name of God, if these men can not correct the infamous abuse perpetrated upon them by the Navy Department in the courts, where are they to go? These boats were built from 1861 to 1865. For six years after that there was no Court of Claims or court to take cognizance of cases of this kind. They were in the Navy Department, and by the facts that have been developed in the Navy Department it is admitted that this outrage was perpetrated upon them and by their own officers. I say that we are the only party that can afford relief to these people.

The gentleman is a good lawyer, and if he will examine this case, as I said in the beginning, he will find that there is nothing objectionable. If there is nothing due these men, the court will so find, and if the changes made cost less than the contract price a judgment is to be rendered against the company. No fairer proposition ever was brought into the House of Representatives. I say that we have paid the large majority of these boat builders by a direct appropriation; now let the balance of them get out of Congress and go into the Court of Claims. The whole business will not amount to over a million dollars. I have no further interest in the matter except as a Representative; and our committee was unanimous in its report, after a long examination. While I fully agree that the gentleman from Illinois has great intelligence and magnificent judgment, I believe that the committee that for four long months made investigation of this matter from top to bottom, not from any superiority that they have, would be better able by reason of that fact to reach a conclusion upon this matter than the gentleman from Illinois, who looks at it casually.

Mr. CANNON. Now, just a word in conclusion, as it is in my hour. The gentleman abounds in declamation, and says he must vote for this bill because it is dishonest not to vote for it.

Mr. MAHON. That is my view.

Mr. CANNON. Well, that is the gentleman's statement. If I felt it dishonest to vote against the bill, I would not be more vigilant for the Government than I would for myself. If I felt that it was dishonest for me to resist payment that my neighbor might demand of me, I think that I would pay—at least I think I would.

But let us see now about the dishonesty; declamation and mere words do not mean much. If my neighbor and I enter into a contract for a given piece of work, with all its variations and extras and everything else, and I settle with my neighbor after it is done for the extras and everything else, and he takes the money and gives me a full acquittance, is not that the end of it? Is there anything in law or morals that would compel me to compensate him further? Must there not be repose somewhere between individuals and between the Government and individuals?

Now, then, there is a class of people in this country that sometimes are not voiced, and that is the great multitude of people that live in the sweat of their faces, that are toiling from morn till dewy eve, laboring that they may live, and who are taxed upon consumption and taxed to support the Government and who cheerfully pay their taxes.

I have not any multiplied thousands of these people rushing up to me and saying, "For God Almighty's sake and the sake of justice," after a generation, when the people are nearly all dead that knew about it, notwithstanding the Government has got a receipt in full, to send them to the court under conditions that will set that settlement aside and compel the Court of Claims, just as sure as if we said so in so many words, to render judgment against us on this claim—I am not besieged with any such appeal.

Mr. MAHON. No; your people do not know anything about it; they live thousands of miles away.

Mr. CANNON. And for that reason my people sent me down here, in my judgment. I think I may assume that when this bill passes, and the court is directed to try the case in a certain way, and give no weight to the settlement and the acquittance, in my judgment, it is just as liable to render judgment for \$100,000 as for \$50,000, and it may be \$150,000. I do not know; the truth is, when the Government or an individual pays once, he is honest; when the Government pays twice at the dictation of a legislative body, it is not honest for the Government, and therefore I am going to vote against this bill. [Applause.]



The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The question was taken, and on a division (demanded by Mr. MAHON), there were—ayes 28, noes 38.

So the committee refused to lay the bill aside with a favorable recommendation.

JOHN D. HALE.

The next business on the Private Calendar was the bill (H. R. 5355) for the relief of John D. Hale, of Telford, Meade County, S. Dak.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to John D. Hale, of Telford, Meade County, S. Dak., the sum of \$215.77, being a balance due by virtue of contract made with Lieut. J. M. Lee, acting Indian agent, for transportation of supplies from the Spotted Tail Agency to the Ponca Agency, Dak. Ter., dated October 20, 1877, and allowed and approved by the Indian Bureau.

The bill was laid aside to be reported to the House with a favorable recommendation.

CORINNE STRICKLAND.

The next business on the Private Calendar was the bill (H. R. 6703) for the relief of Corinne Strickland.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Corinne Strickland, widow of Jesse H. Strickland, the amount of \$2,865.81 as pay and allowances for the services of Jesse H. Strickland as colonel of the Eighth Tennessee Cavalry from January 30, A. D. 1863, to April 1, A. D. 1864.

Mr. GIBSON. Mr. Chairman, an exact copy of this bill has been passed by the Senate and reported by the Committee on War Claims of this House, and it is on the Calendar numbered 938, and I move to take up the bill S. 3473 in lieu of this bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to substitute Senate bill 3473 for the House bill. Is there objection? [After a pause.] The Chair hears none.

Mr. GIBSON. Mr. Chairman, this bill is in pursuance of a bill passed by the last Congress. The Secretary of the Treasury was directed to report what amount was due Jesse H. Strickland, and the Secretary has made his report, and the object of this bill is to make the appropriation in accordance with the report of the Secretary of the Treasury.

The bill was laid aside to be reported to the House with a favorable recommendation.

STANLEY SNODGRASS.

The next business was the bill (H. R. 3799) for the relief of Stanley Snodgrass, of Jefferson County, Miss.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Stanley Snodgrass, heir and distributee of Mrs. M. S. Snodgrass, late of Jefferson County, Miss., out of any money in the Treasury not otherwise appropriated, the sum of \$150, it being for corn taken from her for the use of the Federal forces at Brunsburg, Jefferson County, Miss., on the 27th of February, 1864.

With the following committee amendment:

In line 7 strike out the words "and fifty."

The bill was laid aside to be reported to the House with a favorable recommendation.

PRESBYTERIAN CHURCH, DARDANELLE, ARK.

The next business was the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.

The bill was read.

Mr. PAYNE. I think we ought to have some explanation of this bill.

Mr. MAHON. I believe the gentleman from Mississippi [Mr. HENRY] has charge of the bill; and with his consent I will ask that the bill be passed over without prejudice.

The CHAIRMAN. Is there objection?

There was no objection; and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Chairman, there are several bills on the Calendar similar to the one in which the gentleman from Mississippi [Mr. HENRY] is interested, which provides for paying \$100 for the funeral expenses of a soldier boy. The Speaker would recognize requests to consider these bills by unanimous consent except for the understanding that no unanimous consent is to be granted for a claim bill—an arrangement to which we all acceded. I ask that gentlemen interested in this class of bills be now recognized to call them up, unless some gentlemen have bills in the regular order of business which they wish to reach.

Mr. OVERSTREET. I do not want the order changed at present.

There is a bill in which I am interested which will be reached in a few minutes.

Mr. MAHON. Then let the gentleman call it up.

MARION TRUST COMPANY.

Mr. OVERSTREET. I ask unanimous consent for the present consideration of the bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., the sum of \$901.32, being the amount now standing to the credit of said Samuel Milliken on the books of the Auditor of the Treasury for the Post-Office Department, for services rendered by him as contractor in carrying the United States mails on route No. 9704, between Paducah, Ky., and Iuka, Miss., from April 1 to June 6, 1861, inclusive.

Mr. PAYNE. I hope we shall have some explanation of the bill.

Mr. OVERSTREET. This bill authorizes payment to the administrator of an estate for services rendered by the decedent. The amount due is shown by the records of the Treasury Department.

Mr. PAYNE. Why has it not been paid heretofore?

Mr. OVERSTREET. I presume because the officers of the Treasury Department had no authority to pay it without legislation. The bill proposes to authorize payment to be made to the administrator, because the man who rendered the services died before payment had been made. Those services were in fulfillment of a contract for carrying the United States mail. That contract is shown on record. The names are all perfectly plain, and the amount has been audited by officers of the Treasury Department.

Mr. GAINES. Is there any reason in the world why this claim has not been paid before? Why does not the administrator present his bill and get the money?

Mr. OVERSTREET. This is the first time the claim has been presented since his appointment as administrator.

Mr. GAINES. When was he appointed?

Mr. OVERSTREET. About two years ago. The bill has been pending ever since.

Mr. PAYNE. Why does not the Department pay it?

Mr. OVERSTREET. Because it has not the authority to do so without an act of Congress. The Department has recommended this legislation.

The question being taken, the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. STANLEY W. DAVENPORT. I ask unanimous consent that we take up the bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania.

Mr. BENTON. I call for the regular order.

The next business was the bill (H. R. 2827) for the relief of the Atlantic works.

Mr. MAHON. I ask that this bill be passed over without prejudice.

There was no objection.

JULIUS A. KAISER.

The next business was the bill (H. R. 405) for the relief of Julius A. Kaiser.

Mr. STEELE. I ask that this bill be laid over without prejudice.

There was no objection.

PRESBYTERIAN CHURCH, DARDANELLE, ARK.

Mr. MAHON. House bill No. 827 was passed over when the gentleman from Arkansas [Mr. TERRY], who is interested in it, was not in the House. I supposed the bill was in charge of the gentleman from Mississippi [Mr. HENRY]. I ask that we now return to that bill.

Mr. TERRY. Allow me to say that this is my last term in Congress. I have been waiting about ten years for the passage of this bill. I hope no member will object to it.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the damages by United States troops during the late war to the church building and grounds of the Presbyterian Church of Dardanelle, Yell County, Ark., and the actual value of the material taken from the building and grounds, and to find and award and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said church from the United States as the reasonable value of the material taken and used; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to



said trustees, or their successors, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States, and not to exceed \$2,000; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for occupation and damage, or in any manner arising or growing out of the same.

Mr. PAYNE. I think this bill ought to be explained.

Mr. MAHON. The gentleman from Arkansas [Mr. TERRY] has charge of it.

Mr. TERRY. Mr. Chairman, the United States colonel who was in charge at Dardanelle, Ark., wrote a letter stating the circumstances under which this property was taken. It was taken and used for the purposes of the United States. The report succinctly states the matter, and I will read that:

The Committee on War Claims, to whom was referred the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., beg leave to submit the following report, and recommend that said bill do pass without amendment.

The evidence submitted shows that the church building was taken possession of by United States troops in 1864 and 1865, the building torn down, taken away, and used for military and army purposes.

In accordance with precedent, it seems to be the policy of Congress and the War Department to place churches in the same condition as when they were taken possession of by the United States, natural wear and tear excepted, or allow a reasonable amount in money in lieu of such repairs, but the committee is not willing that the value of such use and occupation shall be fixed by ex parte affidavits and without investigation by the proper department of the Government.

The committee therefore report the bill, referring the claim to the War Department for investigation, and recommend its passage.

Mr. PAYNE. Why did not the committee send this bill to the Court of Claims, I should like to ask the chairman of this committee? The report says this committee do not like to have this thing adjudicated on affidavits and therefore they send it to the War Department. Why not send it to the Court of Claims, where the evidence can be taken?

Mr. MAHON. As far as I am concerned, I believe the Court of Claims would deal more fairly and properly with them.

Mr. PAYNE. I hope the gentleman will make that amendment to the bill.

Mr. TERRY. I hope the gentleman will allow the bill to go through.

Mr. PAYNE. The report says the claim should not be adjudicated on affidavits.

Mr. TERRY. Well, it is not to be.

Mr. PAYNE. It would be if it was referred to the Secretary of War.

Mr. GIBSON. I think we can trust the Secretary of War.

Mr. PAYNE. I know, but that is not the correct doctrine. Let it go to the Court of Claims.

Mr. TERRY. I went to the War Department and inquired. They have special men to investigate these things and report.

Mr. PAYNE. It is all on affidavits, though.

Mr. TERRY. No; they will go down and make an inquiry.

Mr. PAYNE. It has generally been required that these people should prove their loyalty where compensation is to be allowed.

Mr. TERRY. There is no question of loyalty on the part of a church.

Mr. PAYNE. Why, the proof of loyalty of the Methodist Book Concern was demanded here a few years ago.

Mr. STEELE. Let us have the regular order. This is a private conversation.

Mr. TERRY. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I move an amendment striking out the provision referring it to the Secretary of War and referring it to the Court of Claims.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. TERRY. I hope that amendment will not be adopted.

The amendment was read, as follows:

Page 1, line 3, strike out the words "the Secretary of War" and insert in lieu thereof the words "the Court of Claims."

The amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4716. An act granting an increase of pension to Robert G. Dyhrenfurth; and

S. 95. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 283) entitled "An act in reference to the civil service and appointments thereunder."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. No. 38), providing for printing "Notes on the Spanish-American war," etc.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONEY, Mr. LODGE, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., in which the concurrence of the House was requested.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below.

S. 409. An act to correct the naval record of Joseph Pitt, alias Joseph Marr, of the U. S. steamers *Princeton* and *Sassacus*, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy—to the Committee on Naval Affairs.

S. 2371. An act to correct the military record of Talton T. Davis—to the Committee on Military Affairs.

S. 1794. An act for the relief of Fred Weddle—to the Committee on Claims.

S. 3530. An act to fix the compensation of surfmen employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

S. R. 104. Joint resolution to amend the joint resolution permitting Anson Mills, colonel of the Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893—to the Committee on Military Affairs.

S. 283. An act in reference to the civil service and appointments thereunder—to the Committee on Reform in the Civil Service.

S. 3754. An act for the erection of a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

S. 4618. An act relating to the exclusive jurisdiction of courts of the United States—to the Committee on the Judiciary.

S. 3252. An act to establish a Branch Soldiers' Home at or near Johnson, City, Washington County, Tenn.—to the Committee on Military Affairs.

S. 4020. An act to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands"—to the Committee on the Public Lands.

S. 3522. An act granting an increase of pension to Eben E. Pushor—to the Committee on Invalid Pensions.

S. 4574. An act granting an increase of pension to Mary Emily Wilcox—to the Committee on Pensions.

S. 4716. An act granting an increase of pension to Robert G. Dyhrenfurth—to the Committee on Invalid Pensions.

S. 95. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah—to the Committee on Claims.

S. 2371. An act to correct the military record of Talton T. Davis—to the Committee on Military Affairs.

S. 2954. An act granting an increase of pension to Elam Kirk—to the Committee on Invalid Pensions.

S. 3991. An act granting an increase of pension to Sylvester Solomon—to the Committee on Invalid Pensions.

S. 4128. An act granting a pension to Hester A. Phillips—to the Committee on Invalid Pensions.

S. 352. An act granting an increase of pension to Catharine A. Young—to the Committee on Pensions.

S. 2430. An act granting a pension to Mary C. Williams—to the Committee on Invalid Pensions.

S. 56. An act granting a pension to Sayer Jensen—to the Committee on Pensions.

S. 4553. An act granting an increase of pension to Benjamin Rippleman—to the Committee on Invalid Pensions.

S. 4420. An act granting an increase of pension to James Irvine—to the Committee on Invalid Pensions.

S. 4555. An act granting an increase of pension to Stephen Longfellow—to the Committee on Invalid Pensions.

S. 3517. An act granting an increase of pension to Adam Veltten—to the Committee on Invalid Pensions.



S. 3850. An act granting an increase of pension to Americus V. Rice—to the Committee on Invalid Pensions.

S. 3797. An act granting a pension to Nellie L. Parsons—to the Committee on Invalid Pensions.

S. 3342. An act granting an increase of pension to Samuel Dornon—to the Committee on Invalid Pensions.

S. 952. An act granting a pension to Francis M. Porter—to the Committee on Invalid Pensions.

S. 4288. An act granting an increase of pension to Elizabeth Brooks—to the Committee on Invalid Pensions.

S. 415. An act granting a pension to John Roop, late engineer, United States Navy—to the Committee on Invalid Pensions.

S. 993. An act granting an increase of pension to Edwin S. Anderson—to the Committee on Invalid Pensions.

S. 1052. An act granting an increase of pension to Rachel Frisbie—to the Committee on Pensions.

S. 2886. An act granting an increase of pension to Thomas T. Phillips—to the Committee on Invalid Pensions.

S. 4212. An act granting a pension to James M. Muck—to the Committee on Invalid Pensions.

S. 1775. An act granting an increase of pension to Andrew J. Arnett—to the Committee on Invalid Pensions.

S. 2775. An act granting a pension to Isaac N. Cissna—to the Committee on Invalid Pensions.

S. 3954. An act granting an increase of pension to Caroline D. Repetti—to the Committee on Invalid Pensions.

S. 1240. An act granting an increase of pension to Samuel Nichols—to the Committee on Invalid Pensions.

S. 4552. An act granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.

S. 4105. An act granting an increase of pension to John Coombs—to the Committee on Invalid Pensions.

S. 4241. An act granting an increase of pension to William T. Gratton—to the Committee on Invalid Pensions.

S. 2834. An act granting a pension to Anne M. Cluke—to the Committee on Pensions.

S. 4557. An act granting an increase of pension to Lucy E. Danilson—to the Committee on Invalid Pensions.

S. 3056. An act granting an increase of pension to Giles W. Taylor—to the Committee on Invalid Pensions.

S. 3624. An act granting a pension to Henry K. Davis—to the Committee on Invalid Pensions.

S. 2305. An act granting a pension to Eliza D. Pennypacker—to the Committee on Invalid Pensions.

S. 3223. An act granting an increase of pension to W. R. McMaster—to the Committee on Invalid Pensions.

S. 3729. An act granting an increase of pension to Prudence Tinney—to the Committee on Invalid Pensions.

S. 2217. An act granting a pension to Louise O'Leary—to the Committee on Invalid Pensions.

S. 1673. An act to grant an honorable discharge from the military service to Charles H. Hawley—to the Committee on Military Affairs.

S. 1382. An act for the relief of Frances S. Davidson—to the Committee on Military Affairs.

S. 403. An act for the relief of Theodore J. Arms, assistant paymaster in the United States Navy—to the Committee on Claims.

S. 1897. An act to amend an act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal."—to the Committee on Public Buildings and Grounds.

S. 2471. An act for the relief of Olivia M. Clifford—to the Committee on Claims.

S. 3173. An act to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 4268. An act to increase the limit of cost for the purchase of site and the erection of a public building at Newport, Vt.—to the Committee on Public Buildings and Grounds.

S. 2819. An act granting an increase of pension to Henry Van Gelder—to the Committee on Invalid Pensions.

S. 3806. An act granting an honorable discharge to John W. Tiffany—to the Committee on Military Affairs.

S. R. 83. An act for erecting a monument to the soldiers who fell in the battle of Talladega, Ala., on the 9th day of November, 1813, and for other purposes—to the Committee on Military Affairs.

S. 4270. An act to provide for the purchase of a site and the erection of a public building thereon at East St. Louis, in the State of Illinois—to the Committee on Public Buildings and Grounds.

S. 1936. An act granting a pension to Mamie Craig Lawton—to the Committee on Pensions.

S. 3191. An act for the relief of the estate of James Young—to the Committee on War Claims.

EDWARD KERSHNER.

The committee resumed its session.

The next business was the bill (H. R. 1197) for the relief of Edward Kershner.

The bill was read.

Mr. STEELE. I ask that that bill go over without prejudice.

The CHAIRMAN. Without objection, the bill will be passed over without prejudice.

There was no objection.

JAMES T. ELLIS, OF RANKIN COUNTY, MISS.

The next business was the bill (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to James T. Ellis, of Rankin County, Miss., the sum of \$100, to cover expenses and transportation paid out by said James T. Ellis to convey the remains of his son, Thomas Lee Ellis, late a private of Company F, First Regiment Mississippi Volunteers in the Spanish war, from Columbia, Tenn., to Fannin, Rankin County, Miss., including the cost of an attendant and funeral expenses, and a sum sufficient to pay the amount is hereby appropriated.

The following amendments, recommended by the Committee on War Claims, were read:

In line 8 strike out the word "Lee."

Mr. STEELE. I think we ought to hear something about this bill. It seems to appropriate an indefinite amount.

Mr. HENRY of Mississippi. Mr. Chairman, I will say in regard to this young man that he was a soldier in one of the Mississippi regiments and was at Columbia, Tenn. Three days before his death, while he was in articulo mortis, he was mustered out of the service, and his father was sent there to carry his remains back home. He waited on him and did the best he could for him and had to pay the expenses of getting him back and burying him. I have affidavits here showing that he incurred an expense of \$135, and I have simply asked that \$100 be allowed, to reimburse him for what he has expended.

Mr. STEELE. May I inquire if the amount is limited in the bill to \$100?

Mr. HENRY of Mississippi. Yes; \$100.

Mr. MAHON. There may be some looseness in the wording of this bill, and I move to amend so that it shall not exceed \$100.

The amendment was reported, as follows:

Insert in line 5, after the word "Mississippi," the words "not to exceed."

The amendment was agreed to.

Mr. HENRY of Mississippi. My intention was to pay \$100. I want the question settled here.

Mr. MAHON. Then strike out the amendment that we have just adopted and let it stand as it originally did.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. MAHON. Yes.

Mr. PAYNE. How can you withdraw an amendment after it has been adopted?

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be withdrawn. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THE ATLANTIC WORKS, BOSTON, MASS.

The next business was the bill (H. R. 4275) for the relief of the Atlantic Works, Boston, Mass.

Mr. MAHON. I ask that that bill be passed without prejudice. There was no objection, and it was so ordered.

HEIRS OF DUNCAN H. CAMPBELL.

The next business was the bill (H. R. 6497) for the relief of the heirs of the late Duncan H. Campbell.

The Clerk read the bill.

Mr. PAYNE. I make the point of order against that bill that the Committee on War Claims has no jurisdiction whatever. It is a bill to extend a patent.

The CHAIRMAN. Under the rule the Committee on War Claims only have the right of way over the Committee on Claims. All other business on the Private Calendar is in order.

Mr. PAYNE. Then it is not properly on the House Calendar. It is to extend a patent. I ask unanimous consent that it be passed over without prejudice.

The CHAIRMAN. Without objection, the bill will be passed over without prejudice.

There was no objection.

ST. JOHN'S MASONIC LODGE, NO. 3, NEWBERN, N. C.

The next business was the bill (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masonry, No. 3, of Newbern, N. C.

The bill was read, as follows:

*Be it enacted, etc.*, That there be paid by the Secretary of the Treasury to St. John's Lodge, No. 3, Ancient Free and Accepted Masons, of Newbern,



N. C., the sum of \$13,000, out of any money in the Treasury not otherwise appropriated, in full satisfaction for the use and occupation of their Masonic lodge by the United States troops for hospital purposes from March 13, 1862, to May 18, 1865, and for damages to said building and furniture.

The following amendment, recommended by the Committee on War Claims, was read:

In line 5 strike out the word "thirteen" and insert in lieu thereof the word "six."

Mr. STEELE. I ask that that bill be passed over without prejudice.

Mr. THOMAS of North Carolina. I hope the gentleman will withdraw that request.

Mr. CALDWELL. So do I, as a member of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. STEELE]?

Mr. FINLEY. I object.

Mr. MAHON. This bill was introduced by the gentleman from North Carolina [Mr. THOMAS], and was reported by the gentleman from Massachusetts [Mr. ROBERTS]. The committee considered this bill very carefully. This Masonic institution was taken and used for nearly four years as a hospital, and we have cut the bill down about two-thirds, after a careful investigation. We think the amount ought to be awarded.

Mr. PAYNE. As I understand, heretofore claims of this kind have been allowed to educational institutions and churches; but the rule has never been extended before to benevolent or charitable institutions of this kind, secret orders or otherwise. I should like to know if the committee intend to make a precedent of this kind. Other parties have been obliged to prove their loyalty. Why not this lodge? Why extend the rule; why change it; why open it up to everything?

Mr. MAHON. The gentleman understands that I want to say if the amount is allowed, if they are entitled to anything under the practice of the House and law, the amount will not be excessive. I have nothing to say about the gentleman's position.

Mr. PAYNE. But I understand the gentleman's committee has reported the bill favorably.

Mr. MAHON. Yes; the committee has reported it; but the gentleman knows we are not always unanimous in committee.

Mr. THOMAS of North Carolina. Will the gentleman allow me to answer his question?

Mr. PAYNE. Certainly.

Mr. THOMAS of North Carolina. The question of loyalty can not be raised here.

Mr. PAYNE. It can.

Mr. THOMAS of North Carolina. With all due deference and respect to the gentleman from New York, how can any question of loyalty be raised in the case of a Masonic lodge? These lodges are peculiarly charitable organizations; and it has been held repeatedly, and I think the gentleman will recollect that Lieber lays it down (I hold his opinion in my hand), that while, ordinarily, captured and abandoned property goes to the victorious army, in the case of schools and churches and in the case of charitable organizations the rule does not apply. And it is further laid down that no question of loyalty can be raised in the case of a corporation. Why? Because you can not say a corporation was disloyal unless you can show that some part of its funds was used for the purpose of aiding the rebellion. Here is a point-blank decision bearing upon this question:

It is sufficient for a corporate body to show that it was incorporated for a lawful purpose and that it never applied any part of its funds to aid the rebellion.

Now, I say to the distinguished gentleman from New York that under that rule there can be no question in this case of loyalty or disloyalty. The Masonic Lodge of Newbern, N. C., is purely a charitable organization; its property was used during nearly the entire war for hospital purposes by the United States troops. The report of the committee shows the lodge was regularly chartered, and as it was used during nearly the whole war by the Union soldiers for a hospital, it had no revenue to be diverted to disloyal purposes.

Mr. PAYNE. If it was so used, establish the loyalty on the part of the quasi corporation. Why let them go to the Court of Claims, and let them be required to establish their loyalty, and establish the occupation of this building, and establish the value of it? It is not a hardship upon this organization. Now, we have here, thirty-five years after the war, for the first time in my recollection, a report from any committee allowing claims of this kind—the gentleman says to a charitable organization. A Masonic lodge is not directly a charitable organization. It is a social as well as a charitable organization. Not being a member of the organization myself, I do not know all the objects of a Masonic lodge; but it is both benevolent, social, and otherwise, and not strictly charitable.

Mr. RICHARDSON. I want to ask the gentleman, before he gets away from the precedent established, do I understand the

gentleman to say that Congress has not paid for use and occupation of buildings?

Mr. PAYNE. For Masonic lodges?

Mr. RICHARDSON. Not for Masonic lodges, but for the use and occupation of property.

Mr. PAYNE. We have paid. Gradually the rule has been extended. It was fought in Congress over and over again for a great many years to prevent paying for educational institutions. Finally that was broken over, and it was said how many schools there were. And the Methodist Book Concern came in here two years ago, and the House paid that claim.

Mr. RICHARDSON. But I understand the gentleman to say that there has been no such bill as this passed?

Mr. PAYNE. Not for a Masonic lodge.

Mr. RICHARDSON. If you are going to pay for churches and schools, it does seem to me to be a more desirable object when you come to pay for a Masonic lodge.

Mr. PAYNE. Churches and schools come within the rule, perhaps, laid down by international law; but it does not include Masonic lodges or institutions of that kind. There is no rule of international law or any precedent of that kind to be found.

Mr. RICHARDSON. But whenever individual property was destroyed or used and occupied—

Mr. PAYNE. Why, they have to show their loyalty.

Mr. RICHARDSON. But that question can not be raised on a Masonic lodge.

Mr. PAYNE. The question was raised on the Methodist Book Concern, and the proof of disloyalty was very apparent, and yet the House broke over that, and paid that claim. The disloyalty was proved all the same. Why not send this claim to the Court of Claims, and require them to prove their loyalty, and prove up their claim? Why take it out of the ordinary rule?

Mr. RICHARDSON. You can not raise the question of loyalty against a lodge.

Mr. PAYNE. Why not?

Mr. RICHARDSON. Because it may consist of a hundred members, and fifty may be loyal and fifty may be disloyal. Would you then say that that was disloyal?

Mr. PAYNE. The lodge might do an act of disloyalty, the majority, as the Methodist Book Concern did.

Mr. RICHARDSON. Oh, but a lodge could not act disloyally.

Mr. PAYNE. Certainly it could. They could appropriate their money for the benefit of the Confederate cause, for instance.

Mr. RICHARDSON. If they did that—take the gentleman's own statement—suppose that was done, the members who voted the money might be disloyal, but the dissenting minority would not be disloyal.

Mr. PAYNE. Oh, yes, the lodge would be disloyal; it is the lodge as a whole, and not the majority or the minority, but the lodge itself.

Mr. RICHARDSON. Such a thing was never heard as a lodge voting money to either side in the time of war.

Mr. PAYNE. The gentleman wanted to know how a lodge could be disloyal, and I stated that that was one way.

Mr. RICHARDSON. That would not make the lodge disloyal.

Mr. PAYNE. It would; it would be the vote of the lodge—the act of a lodge.

Mr. THOMAS of North Carolina. If the gentleman from New York will allow me, I think I have given him a point-blank authority. I am posted on this subject, and I have taken occasion to look up the authorities. The books say it is sufficient for a corporate body to show that they never used their funds to aid the rebellion. Now, I say to the gentleman from New York if he will read the authorities he will see no question of loyalty or disloyalty can or should be raised here. As to precedents, this bill should be passed, not only because it is just, but there is a precedent in the Fifty-fifth Congress, which passed a bill for the Odd Fellows' lodge in New Orleans, La. I hold in my hand a long list of cases in which there has been an appropriation similar to the appropriation in this bill, made for churches, for schools, for Masonic and Odd Fellows' lodges, I believe. Here it is in this report—House report No. 597—a list of payments of claims for the use and occupation of churches and school buildings, etc.

It seems to me sufficient precedent is found in this long list of cases in which Congress has allowed such claims.

Mr. PAYNE. Now, Mr. Chairman, the gentleman's own citation of authority shows that a lodge may do an act of disloyalty. He says that the books show that all that is necessary for such a corporation to do is to prove that they have not diverted their funds for disloyal purposes. It may be easy to prove that they have not, but that should not remove the burden of proving it before the proper court. It seems to refute entirely the proposition made by the gentleman from Tennessee [Mr. RICHARDSON].

Now, it does seem to me, Mr. Chairman, that we ought to apply the rule to these people which we apply to ordinary cases, and make them go to the Court of Claims and prove their loyalty and



their claim. There ought to be an amendment of this kind, and I appeal to the chairman of the committee in view of the precedents in this case. I do not recollect of a case of this kind coming before Congress.

Mr. MAHON. I suggested to the gentleman from North Carolina that the bill ought to be carefully considered and the committee ought to have time to present it to the House, and I thought it was a mistake to call it up now, but he differed with me. The question of loyalty might be properly determined before the case is settled. I would suggest to the gentleman to let it go over without prejudice, as it will be first on the Calendar and will be first taken up.

Mr. PAYNE. I wish the gentleman would do it, as I do not want to be compelled to raise any question of a quorum.

Mr. MAHON. The bill will be first on the Calendar, and I will yield to the gentleman an hour to present the case to the committee.

Mr. THOMAS of North Carolina. Well, Mr. Chairman, I think, perhaps, I will ask that that be done, but I wish the gentleman would give me a few minutes to explain a few other points in the bill at this time.

Mr. MAHON. It is getting late, and the bill is first on the Calendar, and if the gentleman will consent, I will take the floor on the next day, and yield an hour to the gentleman.

Mr. THOMAS of North Carolina. I am afraid we shall not reach it again this session.

Mr. MAHON. Oh, yes, we will.

Mr. THOMAS of North Carolina. I want five minutes, and I think in that time I can state the case so clearly that the House will see that it is a meritorious claim, and ought to be passed now.

Mr. MAHON. It seems to me it would not be wise to spend time on this bill now. Will not the gentleman consent if I give him an hour when we take up this order of business again? If he prefers to go on now, I will yield him five minutes.

Mr. THOMAS of North Carolina. Mr. Chairman, the original amount of this claim was \$13,000. As the distinguished chairman of the committee has stated, the committee has cut down the amount to less than half the original sum, namely, to \$6,000. This is a just and meritorious claim, if there ever was one. This building was used during almost the entire war by the Union Army for hospital purposes; and the value of the property destroyed and the rent of the building, according to the affidavits on file, was double what the committee proposes to allow.

The rental value claimed in this case is practically the minimum amount, being about one-half what was originally claimed. This was valuable property—a large building, three stories high, of which, as I have said, on account of its use for hospital purposes, the lodge was deprived from 1862 to 1865. I do hope that the gentleman from Pennsylvania will not ask that this bill be passed over. Why should we not pass it now, this afternoon? [Cries of "Vote!" "Vote!"]

Mr. PAYNE. I think the gentleman had better let the bill go over.

Mr. MAHON. I ask that the bill be laid aside without prejudice.

Mr. THOMAS of North Carolina. I object.

The CHAIRMAN. The question is on the amendment.

Mr. PAYNE. What is the amendment?

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

In line 5 strike out "thirteen" and insert "six," so as to read "\$6,000."

The amendment was agreed to.

Mr. THOMAS of North Carolina. I move that the bill be laid aside to be reported favorably to the House.

Mr. PAYNE. I move as an amendment that the bill be referred to the Court of Claims, so that the question of loyalty may be investigated, and also the question of damages—not to exceed \$6,000.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. PAYNE] will be in the nature of a substitute.

Mr. PAYNE. Very well.

Mr. THOMAS of North Carolina. Allow me to say a word further. As I understand, the Committee on War Claims—and, if I am mistaken, the chairman or some other member of the committee will correct me—the committee thought that this was such a proper, just, and meritorious claim that it was entitled to a direct appropriation, and hence they favorably reported this bill, and not a bill referring the claim to the Court of Claims.

Mr. RICHARDSON. The proposed amendment of the gentleman from New York has not been reported. I want to hear it.

The Clerk read as follows:

Substitute in lieu of the bill the following:

"That the claim of St. John's Lodge, No. 3, Ancient Free and Accepted Masons, of Newbern, N. C., be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1897, generally known as the Tucker Act."

The CHAIRMAN. The question is on agreeing to this substitute.

Mr. McRAE. Before the vote is taken, I want to read the paragraph referred to a moment ago by the gentleman from North Carolina, showing a precedent for the payment of this class of claims. I read from page 1189 of the laws of the last Congress:

To the Odd Fellows' Hall Association of New Orleans, La., for use and occupation of said Odd Fellows' Hall building for three years, six months, and seven days, from May 3, 1862, to November 10, 1865, \$49,272.16.

That was an appropriation for the payment of the claim of the Odd Fellows' Hall Association of New Orleans—a similar claim to this, except that it was about ten times as large.

The question being taken on the substitute proposed by Mr. PAYNE, it was rejected.

The question being taken on laying the bill aside to be reported favorably to the House, there were—ayes 67, noes 14.

Mr. PAYNE. No quorum.

The CHAIRMAN (after counting the committee). One hundred and six members are present—a quorum. The ayes have it; and the bill is laid aside to be reported to the House with a favorable recommendation.

COL. CHARLES B. DOUGHERTY AND OTHERS.

The next business was the bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

The bill was read, as follows:

Whereas on the 17th day of May, 1898, the baggage car in the train carrying the Ninth Regiment of Pennsylvania Infantry from Mount Gretna, Pa., to Camp Thomas, at Chickamauga, Ga., caught fire accidentally and was destroyed, with all its contents; and

Whereas officers and members of said regiment had personal baggage and headquarters property in said car, which was entirely destroyed. The names of said officers and members, with the value of the property so destroyed, are as follows: Charles B. Dougherty, \$309.68; George W. Wallace, \$112; John S. Harding, \$279.05; Frank L. McKee, \$264.10; William Sharpe, \$427.95; George F. Buss, \$259; Robert S. Mercur, \$147.95; Walter De F. Johnson, \$164.85; Edmund N. Carpenter, \$447.55; Walter S. Stewart, \$127.25; William G. Weaver, \$133.85; Charles H. Miner, \$84.35; Frank W. Innis, \$40; Samuel C. Chase, \$15.75; Claude B. Grosser, \$18.25; Richard Generals, \$21.50; Harry R. Williams, \$175.75; John McCallum, \$130.70; Walter R. Phillips, \$119.40; Dennison Stearns, \$182.90; James C. Kenny, \$198.20; John A. Kenny, \$127.15; Louis Frank, \$6.50; E. G. Gage, \$87.12; Fred C. Bennett, \$75; Charles S. Colony, \$171.37; John H. Mahan, \$55; Perry H. Benscoter, \$12; O. Hillard Bell, \$117.75; Edmund D. Camp, \$106; William T. Hart, \$53.70; E. L. Solomon, \$17.80; Morris M. Keck, \$19.35; Darius L. Miers, \$137.75; Evan R. Williams, \$82.54; Author Everette, \$63.19; George S. McCleary, \$211.25; Harry G. Roat, \$101.20; George R. McLean, \$268.70; John T. Flannery, \$94; Michael J. Buckley, \$81.95; Michael J. Brennan, \$83.20; Harry W. Pierce, \$211; W. F. Powell, \$43.90; Adnah McDaniels, \$76.50; total, \$5,963.35. Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said officers and members of the Ninth Regiment of Pennsylvania Infantry as aforesaid, or their legal representatives, the said several sums lost by them, respectively, out of any moneys in the Treasury not otherwise appropriated.

Mr. LOUD. What is the number of this bill on the Calendar?

The CHAIRMAN. One hundred and seventy-eight.

Mr. LOUD. What was the number on the Calendar of the last bill which was considered?

The CHAIRMAN. One hundred and seventy-four.

Mr. LOUD. How did we get to 178, may I ask?

The CHAIRMAN. By unanimous consent.

Mr. MAHON. We passed over those other bills on account of the absence of gentlemen having them in charge.

Mr. LOUD. When was the consent had?

Mr. MAHON. There was no objection to 178 being taken up.

Mr. LOUD. I sat here looking at the Chair, Mr. Chairman, and I could not—

The CHAIRMAN. Does the gentleman from California object?

Mr. LOUD. I do object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. MAHON. These two bills have been passed because the gentlemen having them in charge are not here, and I ask to take this bill up.

The CHAIRMAN. Objection is made by the gentleman from California. No. 176 is the next bill on the Calendar.

Mr. MAHON. The gentleman did not object in time. I asked to pass them over because the other gentlemen were not here. Does the gentleman from California want to force bills on for consideration when members are not here?

Mr. LOUD. I think the House is entitled to hear what is going on. I sat here looking at the Chairman and endeavoring to keep track of what was being done.

Mr. MAHON. The gentlemen having these bills in charge are not here.

The CHAIRMAN. The Chair did not understand the gentleman from Pennsylvania to make such a request and the Chair did not put it. The next bill on the Calendar is No. 176. Does the gentleman from Pennsylvania now make a request that that bill be passed over?

Mr. MAHON. I make the request that these two bills, 176 and 177 on the Calendar, be passed without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks



unanimous consent that Calendar Nos. 176 and 177 be passed without prejudice. Is there objection?

Mr. LOUD. I object.

Mr. COX. Regular order.

Mr. PARKER of New Jersey. I ask unanimous consent to go back to No. 24, for the purpose of inserting an amendment.

The CHAIRMAN. The regular order is demanded. The Clerk will report the next bill.

Mr. GIBSON. I move that Calendar No. 178, which is the bill H. R. 8487, be taken up next. As I understand it, the Committee of the Whole have a right to take a bill up out of its order on motion.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that the bill H. R. 8487 be now taken up.

The question being taken on the motion (on a division demanded by Mr. LOUD) there were—ayes 20, noes 8.

Accordingly, the motion was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. LOUD. What bill is that?

The CHAIRMAN. The bill H. R. 8487, which is the last one reported by the Clerk.

Mr. STANLEY W. DAVENPORT. I should like to make a statement about this bill.

Mr. GIBSON. The gentleman from Pennsylvania [Mr. STANLEY W. DAVENPORT] introduced the bill. The Committee on War Claims reported another bill in lieu of it and I made the report.

Mr. STANLEY W. DAVENPORT. I think I can make a statement that will satisfy the House that this is a meritorious bill. The Ninth Regiment of Pennsylvania Volunteers was rendezvoused at Mount Gretna at the outbreak of the Spanish war. They arrived at Mount Gretna about April 28, and a few days afterwards they were sworn into the United States service. A few days later they received orders to proceed from Mount Gretna to Chickamauga, the general rendezvous, in Georgia. On the way from Mount Gretna to Chickamauga the car containing the personal baggage and effects of the regimental officers and men caught fire accidentally when they had proceeded about 13 miles from Mount Gretna, and every bit of this baggage was destroyed.

Now, there is on the statute books a law which provides that the officers in the Regular Army shall be reimbursed out of the public Treasury for losses of this nature, but the Treasury Department hold that that does not apply to volunteer officers. Consequently there must be a remedy by special legislation.

A board of survey was convened when the regiment reached Chickamauga, and I hold in my hand the report of that board of survey. They sat a number of days, sworn testimony was taken, and they submitted to the Treasury Department their findings. These papers come from the Department.

Mr. STEELE. Is that report approved?

Mr. STANLEY W. DAVENPORT. They took no action on the report because of the fact that there was no law providing for the reimbursement of volunteer officers.

Mr. LOUD. Does the gentleman say that there is a law which will reimburse a Regular Army officer and not a volunteer?

Mr. STANLEY W. DAVENPORT. It says "officers of the Army."

Mr. LOUD. Is not a volunteer an officer of the Army?

Mr. STANLEY W. DAVENPORT. That is the construction put on it by the Department, that he is not. I think they are wrong about it, but they hold that this law does not apply to volunteer officers.

Mr. LOUD. Does the gentleman assume that the law that he assumes relates to Regular Army officers will permit an allowance as large as this?

Mr. STANLEY W. DAVENPORT. As far as the allowance is concerned, I have this to say. For eight years I was an officer myself when the regiment was in the National Guard of Pennsylvania. I was first lieutenant of one of our companies. I am personally acquainted with every member on the staff and every line officer of this regiment. I know something about their equipment and about their personal effects, and I have gone over the items very carefully. In fact, I was at Mount Gretna the day the regiment left for Chickamauga.

I left about an hour ahead of the train carrying the regiment, and I saw the officers packing their effects in their trunks. I saw the car loaded. I know it was loaded very carefully. The car was completely filled with their effects. It was totally destroyed. I do not think that the number of items is extravagant or that the amount, \$5,000, is extravagant for the equipment and personal effects of a whole regiment. It certainly is not an extravagant figure. I desire to say further that when this regiment arrived at Mount Gretna (which is at a very high elevation in the mountains of Pennsylvania) there was 4 inches of snow on the ground. It was cold weather. The men, in consequence of the cold weather, tele-

graphed for their heavier underwear, for heavier blankets, overcoats, and such equipment as officers and men would need in a very cold climate. This accounts for the fact that the amount of the equipment was unusually large.

Mr. LOUD. I do not see how they could have had any more clothing anywhere else, if they lost as much as they claim to have lost here.

Mr. MAHON. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. LOUDENSLAGER. I wish to ask, Does that report there show the value of the articles?

Mr. STANLEY W. DAVENPORT. It shows the value of every article.

Mr. LOUDENSLAGER. The gentleman did not make that statement, and I thought I would ask him.

Mr. OTJEN. It is all itemized.

Mr. STANLEY W. DAVENPORT. The report is itemized, and covers over 50 pages of typewritten matter. Everything, even to a fine-tooth comb, every item, if it is worth only 1 cent, is incorporated in this account.

Mr. WADSWORTH. What is the largest amount allowed to any one officer?

Mr. STANLEY W. DAVENPORT. About \$300.

Mr. GIBSON. The committee went over the items and cut out everything of a private nature.

Mr. LOUD. They did not cut out fine-tooth combs, according to the gentleman's statement.

Mr. STANLEY W. DAVENPORT. I just used that as an illustration.

Mr. GIBSON. The committee struck out everything that did not properly belong to an officer's equipment, such as watches, field glasses, and so forth.

Mr. STANLEY W. DAVENPORT. Aneroid barometers.

Mr. GIBSON. They struck out breastpins, cuff buttons, gold watches, and everything of that kind, only allowing for the equipment that belonged to an officer in the Army of the United States.

Mr. LOUD. What did they leave in?

Mr. GIBSON. We sent it to the War Department in order that the War Department might check off anything that did not belong to the equipment of an officer of the Army.

Mr. LOUD. Was there a charge that this damage was done by the fault of the Government?

Mr. STANLEY W. DAVENPORT. It occurred by accident.

Mr. LOUD. How?

Mr. STANLEY W. DAVENPORT. A fire occurred in transit, and nobody knows how.

Mr. Chairman and gentlemen, I hope there will be no objection to this bill. I have conversed with a number of members of the House and gone over the matter with them, and I have yet to find a single gentleman who has not said that it was a meritorious case. I hope the gentleman from California will withdraw his opposition. The total amount is \$5,963.35.

Mr. HEPBURN. I would like to ask the gentleman a question.

Mr. STANLEY W. DAVENPORT. Certainly.

Mr. HEPBURN. Has not each of these claimants a right of action against the railroad that was transporting these effects?

Mr. STANLEY W. DAVENPORT. No, sir.

Mr. HEPBURN. Why not?

Mr. STANLEY W. DAVENPORT. I will explain the matter in a word. The Government had charge of the train; they loaded the baggage; they had full and complete charge of it, and when that car was discovered to be on fire the trainmen ran the car up to a water tank, with a view, of course, of putting the fire out, but as soon as they got to the water tank, opened the doors and threw out a couple of pieces of baggage, they discovered they were right up against 20,000 rounds of ammunition with the boxes blazing, and they of course could not do anything with it. That fact would relieve the railroad company from any damages. How could you hold the railroad company if they were there with water appliances and everything to put out the fire? And they could have put out the fire had it not been for the dangerous character of the baggage.

Mr. HEPBURN. The United States was not operating this train?

Mr. STANLEY W. DAVENPORT. No.

Mr. HEPBURN. The railroad company that was operating that train would be amenable by reason of the manner in which it was fired.

Mr. STANLEY W. DAVENPORT. You know that in all probability they would prove that the usual appliances were used on this train; and as a matter of fact it was down grade from Mount Gretna to Conewago Junction, and the engine running down the grade, which I presume was 75 feet to the mile, did not use steam, and they can demonstrate beyond any shadow of doubt that they did use all the appliances, such appliances as are usual



and common; and in addition to that fact, the engine was not being fired, that no steam was being used, and that therefore no sparks as a matter of fact were flying out of the stack, and there was no negligence on their part.

Mr. CRUMPACKER. Does the gentleman know how the fire originated?

Mr. STANLEY W. DAVENPORT. No one knows how it occurred.

Mr. GIBSON. The committee investigated the question of the liability of the corporation, and came to the conclusion that the only redress was against the Government of the United States. [Cries of "Vote!"]

Mr. STANLEY W. DAVENPORT. I move that the bill be laid aside with a favorable recommendation.

Mr. LOUD. Mr. Chairman, the gentleman from Tennessee says that he has discovered that no liability rested anywhere except against the Government. The Government is a good thing, Mr. Chairman.

Now, that can not be true. When we have got cases, however bad the evidence or however good it may be, let us confine ourselves to reasonable facts. The men of this regiment had their goods on a train in transit, and it was destroyed by fire.

Mr. STANLEY W. DAVENPORT. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. STANLEY W. DAVENPORT. Assuming there is a liability on the part of the railroad company, who would have the right of action? Would the individual members of the regiment or the United States Government?

Mr. LOUD. The United States Government would have no right of action whatever, because it was a personal loss, and the fact that the men were in the service of the Government would not give the Government a right of action, of course.

Mr. STANLEY W. DAVENPORT. Where does the consideration come for carrying or transporting these men? Was it not furnished and paid by the United States Government? There were two written orders coming from the United States Government to the colonel of the regiment to proceed to Chickamauga, and the Government furnished the transportation, and so no consideration passed from the individual members of the regiment to the railroad company, and possibly the railroad company was not a common carrier.

Mr. LOUD. The railroad company was not a common carrier?

Mr. STANLEY W. DAVENPORT. No; not as between the railroad and the individual, for there was no consideration moving between them.

Mr. LOUD. Of course nobody can defeat this claim because it is a claim arising out of the recent Spanish war. Anyone who fought in the recent war has the universal commendation of the whole country, North and South; but if it was compensation claimed for a person who fought in the civil war, we would contest a pension of \$30; but if it is in the late unpleasantness, why, his widow can get \$50.

Now, if you are to proceed to reimburse officers for losses of a similar character, \$50,000,000 would not cover the loss in the civil war; not by fire, but losses that occurred where men and officers have lost their personal effects. It is one of the accidents liable to occur to anyone.

Of course, as I said before, the Government is a good thing. If a man has lost anything, and perchance he may have served a few days in the Army, why, then we have got to pay him at least all it is worth. Now, I served some time in the Army once myself, and if I had ever taken account of stock of my personal effects, \$10 would have paid for all I ever had. [Laughter.] If I should take account of my personal effects to-day, \$150 would cover it all. And yet men go to war with \$300 worth of personal effects! And the gentleman from Pennsylvania says that when they got down into that country with \$300 worth of personal effects they had to telegraph home for some more personal effects.

Mr. STANLEY W. DAVENPORT. No; the \$300 included them.

Mr. LOUD. I thought the gentleman said they had to telegraph home for more.

Mr. STANLEY W. DAVENPORT. I did; and those effects were sent down, and they are included in this loss of \$300.

Mr. LOUD. If the gentleman knew what men ought to have in the service, he would know that not a man had anything beyond \$50 worth.

Mr. STANLEY W. DAVENPORT. The \$300 worth of effects was for the colonel of the regiment.

Mr. LOUD. Well, you have others there with over \$300.

Mr. STANLEY W. DAVENPORT. Only two more. I think one man had \$230.

Mr. LOUD. I thought you struck that all off with the jewelry, etc.

Mr. STANLEY W. DAVENPORT. Not the item of cash. The

\$230 was in money and in the trunk. It was packed in the clothes, and the clothes were in the trunk of the adjutant.

Mr. LOUD. Does the gentleman think that is the way officers should send their money around, in trunks or boxes?

Mr. STANLEY W. DAVENPORT. I am well acquainted with this officer, and I have no doubt that he had that money.

Mr. LOUD. I have no doubt about that; but does the gentleman think that we ought to reimburse men who are as careless as that, sending money around in that way? A man is supposed to take due precautions to care for his own money, and I would like to ask the gentleman if he calls that due precaution, to put it in a trunk and put it on the train?

Mr. STANLEY W. DAVENPORT. The money was burned up.

Mr. LOUD. Yes; and there might have been a million burnt up. He ought to have taken due precaution himself. I suppose the bill will pass. I have not much doubt about it. There were a hundred thousand more men in the Spanish war who have votes, and you think that they are going to protest against your election if they do not get everything they ask for.

Mr. MAHON. Let me say to the gentleman that this claimant comes from a Democratic district, and I want to say that there is no such motive behind this bill. I want to say further to the gentleman from California that when a ship of war goes down—and the Congressional law books are full of it—the Government always recompenses the sailors for their personal belongings that they lose.

Mr. LOUD. In this case no ship went down.

Mr. MAHON. There was the case of the *Maine*.

Mr. LOUD. Yes; and perhaps that is proper. Men can not get off from the ship, and a man stationed on board ship is bound to have a certain amount of wearing apparel with him.

Mr. STANLEY W. DAVENPORT. I want to say to the gentleman that all the Republican papers of my district are in favor of this claim.

Mr. LOUD. Well, what of that? The Democratic party is bowing to this sentiment as much as the Republican party. [Laughter.]

Mr. STANLEY W. DAVENPORT. All the newspapers, as well as all persons acquainted with the facts of the case, are unanimous in support of this bill.

The question being taken, the bill was laid aside to be reported favorably to the House.

Mr. MAHON. I move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House, having had under consideration sundry bills on the Private Calendar, had directed him to report the following without amendment, and with the recommendation that they pass:

H. R. 2156. A bill for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;

H. R. 3020. A bill for the relief of Rev. William T. McElroy;

H. R. 4844. A bill for the relief of the owner or owners of the schooner *Bergen*;

H. R. 231. A bill for the relief of John Dailey;

H. R. 5264. A bill for the relief of the estate of Maj. Guy Howard;

H. R. 3599. A bill for the relief of Lewis M. Millard;

H. R. 321. A bill for the relief of Samuel Tewksbury, deceased;

H. R. 1959. A bill for the relief of the heirs of George W. Saulpaw;

H. R. 427. A bill for the relief of the heirs of Mrs. Tellisse W. Wilson;

H. R. 3204. A bill to refer certain claims for Indian depredations to the Court of Claims;

H. R. 628. A bill for the relief of Hamilton M. Sailors;

H. R. 5755. A bill for the relief of William Wolfe;

H. R. 149. A bill referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

H. R. 1871. A bill for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee;

H. R. 2357. A bill for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company;

H. R. 5874. A bill to pay H. P. Dyer for carrying mail;

H. R. 5355. A bill for the relief of John D. Hale, of Telford, Meade County, S. Dak.;

H. R. 4099. A bill for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased;

H. R. 827. A bill for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.;

H. R. 8487. A bill for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania; and S. 3473. An act for the relief of Corinne Strickland.



Mr. HEMENWAY reported further that the committee had directed him to report the following bills with amendments, and with the recommendation that they pass as amended:

H. R. 1860. A bill for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.;

H. R. 1889. A bill for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;

H. R. 1136. A bill for the relief of parties for property taken from them by military forces of the United States;

H. R. 6230. A bill for the relief of Robert Smalls;

H. R. 2619. A bill for the relief of Agnes and Maria De Leon;

H. R. 7483. A bill for the relief of James T. Ellis, of Rankin County, Miss.; and

H. R. 636. A bill for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C.

Mr. HEMENWAY reported further that the committee had directed him to report the following resolutions without amendment, and with the recommendation that they be adopted:

H. Res. 72. For the relief of Chalkley Good;

H. Res. 73. For the relief of Mary E. Gray;

H. Res. 96. For the relief of the estate of W. W. Dunton, deceased, late of Hinds County, Miss.; and

H. Res. 113. For the relief of R. H. Shropshire.

Mr. HEMENWAY further reported that the committee had directed him to report the following resolution with amendment, and with the recommendation that it be adopted as amended:

H. Res. 95. For the relief of R. A. Schellhous.

Mr. HEMENWAY reported further that the committee had directed him to report the bill (H. R. 6703) for the relief of Corinne Strickland with the recommendation that it lie on the table.

#### ORDER OF BUSINESS.

Mr. MAHON. I ask that the previous question be considered as ordered on all these bills with the exception of House bill 149, on which it was agreed that the previous question should not be ordered.

Mr. PAYNE. What is the bill which the gentleman excepts from his request?

Mr. MAHON. The Woodbridge bill—the patent case.

Mr. PAYNE. I understand that the gentleman requests that the previous question be ordered on all these bills except House bill No. 149. I object to the request.

The SPEAKER. The Clerk will report the first bill favorably recommended.

The Clerk read House resolution No. 72.

Mr. LOUD. That is not the first business in order.

The SPEAKER. The bills have been arranged by the Clerk, as a matter of clerical convenience, with reference to the fact whether they were passed with or without amendments; but if any gentleman insists that the bills be considered by the House in the order in which they were acted on in the Committee of the Whole, that will be done. Does the gentleman insist?

Mr. LOUD. I do. We jump around so on the Calendar that nobody can keep track of these bills.

The SPEAKER. The Clerk will report the first bill reported from the Committee of the Whole House.

#### BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were taken up, ordered to be engrossed and read the third time, and were accordingly read the third time, and passed:

A bill (H. R. 2156) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;

A bill (H. R. 3020) for the relief of Rev. William T. McElroy;

A bill (H. R. 231) for the relief of John Dailey;

A bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 321) for the relief of the legal representatives of Samuel Tewksbury, deceased;

A bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw;

A bill (H. R. 427) for the relief of the heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims;

A bill (H. R. 628) for the relief of Hamilton M. Sailors; and

A bill (H. R. 5755) for the relief of William Wolfe.

#### CARSON-NEWMAN COLLEGE.

The next business was the bill (H. R. 860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The amendments reported from the Committee of the Whole House were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### RESOLUTIONS ADOPTED.

The following resolutions, referring House bills to the Court of Claims, were read and adopted:

House resolution 72, for the relief of Chalkley Good; and

House resolution 73, for the relief of Mary E. Gray.

#### OWNERS OF SCHOONER BERGEN.

The next business was the bill (H. R. 4844) for the relief of the owner or owners of the schooner *Bergen*.

Mr. PARKER of New Jersey. I ask unanimous consent that Senate bill 1243, of precisely similar purport to this House bill, be taken up and passed. It is now on the Calendar.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. McRAE. Is the amount of money the same?

Mr. PARKER of New Jersey. It is exactly the same bill word for word.

There being no objection, Senate bill 1243, for the relief of the owner or owners of the schooner *Bergen*, was taken up, ordered to a third reading, read the third time, and passed.

The SPEAKER. In the absence of objection, House bill 4844, of similar purport to the Senate bill just passed, will be laid on the table.

There was no objection.

#### WILLIAM E. WOODBRIDGE.

The next business was the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

Mr. PARKER of New Jersey. Mr. Speaker, I was out of the House at the time this bill was considered by the Committee of the Whole or I would have offered an amendment by way of proviso. I will now send it to the desk. The gentleman in charge of the bill consents that this amendment be added. It will bring the whole matter before the Court of Claims.

The SPEAKER. The amendment offered by the gentleman of New Jersey will be read.

The Clerk read as follows:

Add at the end of the bill the following:

"Provided, however, That the said court shall first be satisfied that the said Woodbridge did not forfeit or abandon his right to a patent by publication, delay, laches, or otherwise, and that the said patent was wrongly refused to be issued by the Patent Office."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### BILLS PASSED.

The bill (H. R. 1899) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn., was considered, the amendments recommended by the Committee of the Whole agreed to, the bill as amended ordered to be engrossed and read a third time, read a third time, and passed.

House resolution 95, referring the claim of R. A. Schellhous to the Court of Claims, with amendments reported by the Committee of the Whole, was considered, the amendments agreed to, and the resolution as amended agreed to.

The bill (H. R. 1971) for the relief of E. D. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, was ordered to be engrossed and read a third time, read a third time, and passed.

The bill (H. R. 6230) for the relief of Robert Smalls, reported from the Committee of the Whole with amendments, was considered, the amendment agreed to, the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

House resolution 96, referring the claim of W. W. Dunton to the Court of Claims, was agreed to.

The bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company, was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 5874) to pay H. P. Dyer for carrying mail, was considered, ordered to be engrossed and read a third time, read the third time, and passed.

House resolution 113, referring the claim of R. H. Shropshire to the Court of Claims, was considered, and agreed to.

The bill (H. R. 1136) for the relief of parties for property taken from them by the military forces of the United States, with amendments reported by the Committee of the Whole, was considered, the amendments agreed to, the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 2619) for the relief of Agnes and Maria De Leon, was considered, ordered to be engrossed and read a third time, read the third time, and passed.



The bill (H. R. 5355) for the relief of John D. Hale, of Tilford, Meade County, S. Dak., was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 6703) for the relief of Corinne Strickland, was ordered to lie on the table.

The bill (S. 7473) for the relief of Corinne Strickland, was ordered to a third reading, read the third time, and passed.

The bill (H. R. 3799) for the relief of Stanley Snodgrass, of Jefferson County, Miss., was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Miliken, deceased, was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss., was considered, ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, S. C., was the next bill reported from the Committee of the Whole.

The SPEAKER. The question is on engrossment and the third reading of the bill.

The question being taken, on a division (demanded by Mr. PAYNE) there were—ayes 48, noes 15.

Mr. PAYNE. No quorum present, Mr. Speaker.

The Speaker, having counted the House, announced 90, not a quorum present.

Mr. RICHARDSON. The yeas and nays, Mr. Speaker.

Mr. MAHON. I hope the gentlemen from New York will withdraw his point.

Mr. RICHARDSON. I ask for the yeas and nays.

The SPEAKER. It is a question of a quorum; not of the yeas and nays. There is no quorum present.

Mr. RICHARDSON. The rule, I think, requires—

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll. The question being on the engrossment and third reading of the bill, those in favor will, as their names are called, vote "aye," those opposed "no," and those present and not wishing to vote will answer "present."

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion to adjourn, on a division (demanded by Mr. DALZELL) there were—ayes 34, noes 55.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is it in order to move the previous question upon the passage of this bill?

The SPEAKER. Not in the absence of a quorum. The gentleman knows that we can do no business until the presence of a quorum is developed. The Clerk will call the roll.

The question was taken; and there were—yeas 75 nays 11, answered "present" 15, not voting 251; as follows:

## YEAS—75

Aldrich,	Davenport, S. W.	Latimer,	Shafroth,
Allen, Ky.	De Vries,	Lentz,	Sheppard,
Allen, Me.	Dick,	Little,	Slayden,
Atwater,	Esch,	Littlefield,	Small,
Baker,	Finley,	Lloyd,	Spight,
Bartlett,	Fleming,	McRae,	Stephens, Tex.
Bell,	Gilbert,	Maddox,	Stokes,
Bowersock,	Glynn,	Mahon,	Sulloway,
Brown,	Griggs,	Neville,	Sutherland,
Bull,	Hall,	Newlands,	Talbert,
Burke, S. Dak.	Hamilton,	Norton, S. C.	Taylor, Ohio
Burkett,	Henry, Miss.	Otjen,	Terry,
Burleson,	Hepburn,	Polk,	Thomas, N. C.
Caldwell,	Hitt,	Quarles,	Thropp,
Capron,	Hoffecker,	Ransdell,	Warner,
Clark, Mo.	Howard,	Richardson,	Williams, J. R.
Clayton, N. Y.	Howell,	Rixey,	Williams, W. E.
Cox,	King,	Salmon,	Wright,
Crump,	Kitchin,	Shackleford,	

## NAYS—11

Cannon,	Hemenway,	Loud,	Ray,
Dalzell,	Hill,	Overstreet,	Steele,
Dolliver,	Lacey,	Payne,	

## ANSWERED "PRESENT"—15

Barney,	Gibson,	McCleary,	Russell,
Boutell, Ill.	Grosvenor,	Marsh,	Southard,
De Armond,	Jenkins,	Parker, N. J.	Wadsworth,
Gardner, N. J.	Jones, Wash.	Rhea, Va.	

## NOT VOTING—251

Acheson,	Bailey, Kans.	Bartholdt,	Boreing,
Adams,	Bailey, Tex.	Bellamy,	Boutelle, Me.
Adamson,	Ball,	Benton,	Bradley,
Alexander,	Bankhead,	Berry,	Brantley,
Allen, Miss.	Barber,	Bingham,	Breazeale,
Babcock,	Barham,	Bishop,	Brenner,

Brewer,	Fordney,	Lovering,	Ryan, Pa.
Brick,	Foss,	Lybrand,	Scudder,
Bromwell,	Foster,	McAleer,	Shattuc,
Brosius,	Fowler,	McCall,	Shelden,
Broussard,	Fox,	McClellan,	Sherman,
Brownlow,	Freer,	McCulloch,	Showalter,
Brundidge,	Gaines,	McDowell,	Sibley,
Burke, Tex.	Gamble,	McLain,	Sims,
Burleigh,	Gardner, Mich.	McPherson,	Smith, Ill.
Burnett,	Gaston,	Mann,	Smith, Ky.
Burton,	Gayle,	May,	Smith, H. C.
Butler,	Gill,	Meekison,	Smith, Samuel W.
Calderhead,	Gillet, N. Y.	Mercer,	Smith, Wm. Alden
Campbell,	Gillett, Mass.	Mesick,	Snodgrass,
Carmack,	Gordon,	Metcalf,	Spalding,
Catchings,	Graff,	Meyer, La.	Sparkman,
Chanler,	Graham,	Miers, Ind.	Sperry,
Clarke, N. H.	Green, Pa.	Miller,	Sprague,
Clayton, Ala.	Greene, Mass.	Minor,	Stallings,
Cochran, Mo.	Griffith,	Mondell,	Stark,
Cochrane, N. Y.	Groat,	Moody, Mass.	Stevens, Minn.
Connell,	Grow,	Moody, Oreg.	Stewart, N. J.
Cooney,	Hangen,	Moon,	Stewart, N. Y.
Cooper, Tex.	Hawley,	Morgan,	Stewart, Wis.
Cooper, Wis.	Hay,	Morris,	Sulzer,
Corliss,	Heatwole,	Mudd,	Swanson,
Cousins,	Hedge,	Muller,	Tate,
Cowherd,	Henry, Conn.	Naphe,	Tawney,
Cromer,	Henry, Tex.	Needham,	Taylor, Ala.
Crowley,	Hopkins,	Noonan,	Thayer,
Crumpacker,	Hull,	Norton, Ohio	Thomas, Iowa
Cummings,	Jack,	O'Grady,	Tompkins,
Curtis,	Jett,	Olmsted,	Tongue,
Cusack,	Johnston,	Otey,	Turner,
Cushman,	Jones, Va.	Packer, Pa.	Underhill,
Dahle, Wis.	Joy,	Pearce, Mo.	Underwood,
Daly, N. J.	Kahn,	Pearson,	Vandiver,
Davenport, S. A.	Kerr,	Pierce, Tenn.	Van Voorhis,
Davey,	Ketcham,	Pearre,	Vreeland,
Davidson,	Kleberg,	Phillips,	Wachter,
Davis,	Kluttz,	Powers,	Wanger,
Dayton,	Knox,	Prince,	Waters,
De Graffenreid,	Lamb,	Pugh,	Watson,
Denny,	Landis,	Reeder,	Weaver,
Dinsmore,	Lane,	Reeves,	Weeks,
Dougherty,	Lanham,	Rhea, Ky.	Weymouth,
Dovener,	Lassiter,	Ridgely,	Wheeler, Ky.
Driggs,	Lawrence,	Riordan,	White,
Driscoll,	Lester,	Robb,	Williams, Miss.
Eddy,	Levy,	Roberts,	Wilson, Idaho
Elliott,	Lewis,	Robertson, La.	Wilson, N. Y.
Emerson,	Linney,	Robinson, Ind.	Wilson, S. C.
Faris,	Littauer,	Robinson, Nebr.	Wise,
Fitzgerald, Mass.	Livingston,	Rodenberg,	Young,
Fitzgerald, N. Y.	Long,	Rucker,	Zenor,
Fitzpatrick,	Lorimer,	Ruppert,	Ziegler,
Fletcher,	Loudenslager,	Ryan, N. Y.	

Mr. BARTLETT. Mr. Speaker, I ask that my colleague, Mr. BRANTLEY, be excused, as he is confined to his room by sickness.

There was no objection, and it was so ordered.

Mr. DE ARMOND. Mr. Speaker, I desire to be noted as "present."

The name of Mr. DE ARMOND was called, and he voted "present."

Mr. THOMAS of North Carolina. Mr. Speaker, I rise for the purpose of moving that the House adjourn. I take it that it is very evident that a quorum is not present.

The SPEAKER. The gentleman from North Carolina moves that the House do now adjourn. As many as are in favor of seconding the motion will rise and be counted. [After counting.] Seventy-five gentlemen have arisen, a majority of those present. The question is on the motion to adjourn.

The question was taken; and the motion was agreed to.

And accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, together with papers in the case, claim of A. W. Campbell, and calling attention to the claims of Thomas Stewart and John A. Goings, already transmitted to Congress, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed, except original papers.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3106) relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah, reported the same without amendment, accompanied by a report (No. 1580); which said bill and report were referred to the Committee of the Whole House on the state of the Union.



Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1586); which said bill and report were referred to the House Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, reported the same with amendment, accompanied by a report (No. 1587); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRICK, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 72) for the relief of the heirs of Lawrence D. Bailey, reported the same without amendment, accompanied by a report (No. 1574), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 557) for the relief of Thomas Rosbrugh, reported the same without amendment, accompanied by a report (No. 1575); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1137) for the relief of William J. Hines, reported the same without amendment, accompanied by a report (No. 1576); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1388) to correct the military record of Charles H. Piper, reported the same without amendment, accompanied by a report (No. 1577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2204) for the relief of William O. Eagle, reported the same with amendment, accompanied by a report (No. 1578); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3047) to remove charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry, reported the same with amendment, accompanied by a report (No. 1579); which said bill and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4593) for the relief of Sergt. James W. Kingon, reported the same without amendment, accompanied by a report (No. 1581); which said bill and report were referred to the Private Calendar.

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3270) for the relief of Nathan S. Jarvis, reported the same without amendment, accompanied by a report (No. 1582); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10472) granting an increase of pension to Frank Blair, reported the same with amendment, accompanied by a report (No. 1583); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2386) granting a pension to Joseph E. Hendrickson, reported the same without amendment, accompanied by a report (No. 1584); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 504) to increase the pension of W. T. Lowry, reported the same with amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 1582) for the relief of Fannie Bostwick, widow of Martin B. Strader; and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILSON of Idaho (by request): A bill (H. R. 11665) to provide for the examination and survey of the Columbia River at The Dalles, Oreg., with a view to its permanent improvement for navigation—to the Committee on Rivers and Harbors.

By Mr. HULL: A bill (H. R. 11666) to extend the privileges of section 1226 of the Revised Statutes of the United States to all officers who served during the war with Spain or in the campaign in the Philippine Islands as volunteers in the Army of the United States—to the Committee on Military Affairs.

By Mr. TERRY: A bill (H. R. 11667) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. NEWLANDS: A bill (H. R. 11668) providing for appeals and writs of error from the supreme court of the Hawaiian Islands and for writs of habeas corpus to the courts of the United States—to the Committee on the Territories.

By Mr. RAY of New York: A bill (H. R. 11709) amending section 5270 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 11710) providing for extradition and rendition in certain cases—to the Committee on the Judiciary.

By Mr. METCALF: A concurrent resolution (H. C. Res. 47) providing for a survey of the San Joaquin River—to the Committee on Rivers and Harbors.

By Mr. PUGH: A resolution (H. Res. 268) providing for printing House Document No. 326—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11669) granting a pension to Catherine Harter—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 11670) granting a pension to Oscar F. Sanford—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 11671) for the relief of the heirs of Margaret Kennedy—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 11672) for the relief of Mrs. E. A. B. Legg—to the Committee on War Claims.

Also, a bill (H. R. 11673) for the relief of the estate of Thomas J. Gibson, deceased—to the Committee on War Claims.

By Mr. COX: A bill (H. R. 11674) to pay John F. Lanson for carrying mail in 1861—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 11675) for the relief of the trustees of the Methodist Episcopal Church at Harpers Ferry, W. Va.—to the Committee on War Claims.

By Mr. EMERSON: A bill (H. R. 11676) for the relief of Franklin Warren—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11677) granting an increase of pension to John Greble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11678) granting an increase of pension to James Scrogum—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 11679) for the benefit of D. N. Williams—to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 11680) granting a pension to Richard Myers—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 11681) to increase the pension of William J. Hanger—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 11682) for the relief of P. E. Harris, administrator of John Fitzgerald, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11683) for the relief of W. C. Irby, administrator of J. Harvie Hardaway; W. C. Irby and Margaret B., his wife, formerly Margaret B. Hardaway, and to P. H. Fitzgerald and Sally A., his wife, formerly Sally A. Hardaway—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 11684) for the relief of the legal representatives of George W. Harper—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11685) granting an increase of pension to Christian J. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting an increase of pension to William B. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11687) granting a pension to Charles E. Everts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) to increase the pension of C. A. Brunk—to the Committee on Invalid Pensions.



Also, a bill (H. R. 11689) to increase the pension of Edward J. Patterson—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 11690) for the relief of the vestry of Christ Episcopal Church, of Holly Springs, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 11691) for the relief of the heirs of Jonathan Davis, deceased—to the Committee on War Claims.

By Mr. SWANSON: A bill (H. R. 11692) granting to the Ballston Railroad Company, a corporation incorporated under the laws of the State of Virginia, certain powers and privileges within the District of Columbia—to the Committee on the District of Columbia.

By Mr. TAWNEY: A bill (H. R. 11693) granting an increase of pension to James Wilkinson—to the Committee on Invalid Pensions.

By Mr. TURNER: A bill (H. R. 11694) granting a pension to John Gasper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11695) granting an increase of pension to Pauline A. Vaughan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11696) granting an increase of pension to Newton H. Gaar—to the Committee on Pensions.

Also, a bill (H. R. 11697) granting an increase of pension to William P. Mount—to the Committee on Pensions.

Also, a bill (H. R. 11698) granting an increase of pension to Mary Thompson—to the Committee on Pensions.

Also, a bill (H. R. 11699) granting an increase of pension to William G. De Garis—to the Committee on Pensions.

By Mr. WATERS: A bill (H. R. 11700) granting an increase of pension to Alice A. Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11701) to remove the charge of desertion from the military record of Benjamin L. Gorsuch—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 11702) for the relief of Mrs. Gottlob Groezinger—to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 11703) granting a pension to William A. Miller—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 11704) granting a pension to Mary E. Leech—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11705) granting a pension to Ezra J. Tingling—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 11706) for the relief of the Cumberland Presbyterian Church, at Clifton, Wayne County, Tenn.—to the Committee on Claims.

By Mr. RIDGELY: A bill (H. R. 11707) granting a pension to Gustave Schwartz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11708) for the relief of Mary P. Wiley—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11711) granting an increase of pension to John Fler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11712) granting a pension to Charlotte A. Dubry, guardian of George Ansell, the incompetent son of Henry J. Ansell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11713) granting an increase of pension to Michael Hoare—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Petition of the Presbyterian Church of Napa, Cal., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. BARTLETT: Petition of W. L. Carmichael & Co., druggists, Jackson, Ga., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. BELLAMY: Petition of J. Hicks Bunting, druggist, Wilmington, N. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BULL: Petition of William H. Buffington and others, of Bristol, R. I., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Hancock Relief Corps of Westerly, R. I., in favor of the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of Brotherhood of Locomotive Engineers of Cleveland, Ohio, against any legislation regulating the manufacture of butterine—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of Post 284, Post 457, Post 344, Post 463, Post 63, Post 297, Post 338, Post 328, Post 359, Post 215, Post 374, and Post 456, Department of Kansas, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Post No. 297, of Culver, Kans., Grand Army of the Republic, favoring the passage of Senate bill No. 1477, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of William E. Brown, of Junction City, Kans., objecting to the passage of House bill No. 9, relating to schools teaching speech to the deaf—to the Committee on Education.

Also, petition of Anna Domann, of Herington, Kans., in behalf of higher education for the blind—to the Committee on Education.

Also, petition of the Labor League of Western Pennsylvania, in support of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

Also, petition of C. A. Stannard, of Emporia, Kans., urging Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, resolutions of Forest City Lodge, Cleveland, Ohio, and Abraham Lincoln Lodge, No. 445, of Columbus, Ohio, against the passage of the Grout bill taxing butterine, etc.—to the Committee on Agriculture.

Also, petition of J. S. Winans, of Manchester, Kans., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Commercial Club of Topeka, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alex. J. Wedderburn, of Washington, D. C., favoring House bill No. 9677, known as the Brosius pure-food bill—to the Committee on Agriculture.

Also, petition of a committee of the City and County Medical Society of Leavenworth, Kans., favoring the passage of House bill No. 6869, for the establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Kansas City Live Stock Exchange, requesting the passage of a bill permitting cattle to remain on cars in transit forty hours instead of twenty-eight hours, as now provided by law—to the Committee on Interstate and Foreign Commerce.

Also, petition of committee representing Navy Department per diem employees, Wilmington, Del., urging the passage of House bill relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, resolutions of Topeka Pressmen's Union, No. 49, of Topeka, Kans., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of C. W. Trice, of Clay Center, Kans., urging the passage of House bill No. 2944, relating to long-distance telephones—to the Committee on the District of Columbia.

Also, petition of clerks of the Manhattan (Kans.) post-office, in favor of the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Modern Woodmen societies and others in the State of Kansas, for amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Association of American Advertisers of New York, favoring the passage of House bill No. 9632, for the issuance of postal check notes—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Grain Dealers' Association of Kansas, for the repeal of the revenue stamp tax on grain way bills, etc.—to the Committee on Ways and Means.

Also, protest of the St. Joseph (Mo.) Live Stock Exchange, against the passage of a bill regulating the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

Also, petition of the Fort Logan (Colo.) Improvement Club, for the establishment of a Soldiers and Sailors' Home at or near Denver, Colo.—to the Committee on Military Affairs.

Also, petition of C. E. Northcraft & Co. and other druggists of Abilene, Kans., and M. B. Palmer, of Salina, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. COX: Papers relating to the claim of John F. Lawson, Centerville, Tenn.—to the Committee on War Claims.

Also, paper to accompany House bill in behalf of the claim of the Cumberland Presbyterian Church at Clifton, Tenn.—to the Committee on Claims.

By Mr. DALZELL: Petition of the First Reformed Presbyterian Church of Pittsburg, Pa., against island saloons and canteens—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of Forest City Lodge, No. 10, Locomotive Firemen, Cleveland, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, resolutions of International Wood Engravers' Association of North America, in favor of the passage of the bill enacting the eight-hour law—to the Committee on Labor.



By Mr. DAYTON: Petition of E. H. Taliaferro, administrator of Edward Lucas, deceased, of the District of Columbia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Margaret J. Cross, deceased, of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of George D. Wiltshin, deceased, of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petitions of the Woman's Christian Temperance Union and citizens of Scranton, Iowa, for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. EMERSON: Paper to accompany House bill for the relief of Franklin Warren—to the Committee on Invalid Pensions.

By Mr. ESCH: Papers to accompany House bill No. 7688, granting a pension to Katy Kurth, of Trempealeau County, Wis.—to the Committee on Invalid Pensions.

By Mr. FARIS: Petitions of Locust Street Methodist Episcopal Church, College Avenue Methodist Episcopal Church, and First Baptist Church, of Greencastle, Ind., urging the passage of the Bowersock bill preventing the sale of liquor upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. GRIFFITH: Paper to accompany House bill granting an increase of pension to James Scrogum, of Elkinsville, Ind.—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: Petition of Henry Rayner and other druggists of Georgetown, Del., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of the Woman's Christian Temperance Union, Manha S. Cranston and 35 citizens of Newport and Newcastle County, Del., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. LENTZ: Petition of citizens and farmers in the vicinity of Worthington, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Mandabach Drug Company, of Columbus, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of Alfred Cannon Post, No. 261, of Canal Winchester, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of North Star, Mich., in favor of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. LIVINGSTON: Petition of Stovall Smith Drug Company, V. H. Cox & Co., and other druggists of Atlanta, Ga., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LOUD: Petition of the Young People's Society of Christian Endeavor and of the Cumberland Presbyterian Church, of Mountain View, Cal., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MANN: Petition of the Woman's Christian Temperance Union and South Congregational Church, of Chicago, Ill., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, paper of Col. C. S. Bartlett, to accompany House bill No. 8940, for the promotion of First Lieut. H. T. Reed—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Petition of citizens of Freedom, Ind., for State control of imitation dairy products, as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. NORTON of South Carolina: Petitions of D. O. Rhame, of Summerton, S. C., and Douglas Jennings and others, of Bennettsville, S. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. RANDELL: Petition of Benjamin Servaunt, to accompany House bill No. 11533, for his relief—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of H. W. Meinzen, of Fort Wayne, Ind., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SHAFROTH: Protest of manufacturers and dealers in baking powder in the State of Colorado, against the passage of House bill No. 4047, entitled "A bill for the protection of public health"—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Colorado Springs (Colo.) Christian Endeavor Union, to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, petitions of B. F. Hittell, J. W. Fleming, and other drug-

gists of the State of Colorado, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of Admiral Foote Post, No. 17, Grand Army of the Republic, Department of Connecticut, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

Also, resolution of the Thirty-third Annual Encampment, Department of Connecticut, Grand Army of the Republic, favoring a bill to establish a pension court of appeals—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Affidavit to accompany bill for the relief of Christ Protestant Episcopal Church, of Holly Springs, Miss.—to the Committee on War Claims.

By Mr. UNDERWOOD: Petition of Young People's Society of Christian Endeavor of the Presbyterian Church of Birmingham, Ala., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

Also, petition of druggists of Marion, Ala., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WADSWORTH: Resolutions of Farmers' Club of Niagara County, N. Y., relating to the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

## SENATE.

SATURDAY, May 19, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PETTIGREW, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATOR FROM MONTANA.

The PRESIDENT pro tempore. The Chair lays before the Senate the following telegram from the governor of Montana.

The Secretary read as follows:

[Telegram.]

BUTTE, MONT., May 18, 1900.

HON. WILLIAM P. FRYE,

President of the United States Senate, Washington, D. C.

SIR: This will inform you and the Senate of the United States that on account of collusion and fraud by Hon. W. A. Clark, in resigning and securing an appointment to the Senate by the lieutenant-governor, I have this day disregarded and revoked said appointment by the lieutenant-governor, and have this day appointed Hon. Martin Maginnis, of Montana, United States Senator, to fill the vacancy caused by the resignation of Hon. W. A. Clark. His credentials will be forwarded in due course.

ROBT. B. SMITH,  
Governor of Montana.

Mr. CHANDLER. I ask that the communication just read may be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. It will be so ordered. The Chair lays before the Senate a communication from the Secretary of War.

Mr. ALLEN. Mr. President, respecting the telegram from the governor of Montana which has just been referred to the Committee on Privileges and Elections, I should like to ask the Senator from New Hampshire if he does not think that the telegram ought to lie on the table, in view of the fact that the credentials are not yet before the Senate?

Mr. CHANDLER. I have no objection, if the Senator prefers that course.

Mr. ALLEN. I should like to have the order changed so that it may lie on the table.

Mr. CHANDLER. I have no objection.

The PRESIDENT pro tempore. The reference, then, without objection, will be reconsidered, and the communication will lie on the table.

Mr. ALLEN. I should like to ask the Senator from New Hampshire if this telegram is to be construed into a recognition of the existence of a vacancy in the Senatorial representation of Montana?

Mr. CHANDLER. Mr. President, there is only one Senator here from Montana. I think the seat is vacant.

Mr. ALLEN. And therefore the vacancy is existing now?

Mr. CHANDLER. I think the seat is vacant, but how the vacancy was created is another thing.

MAJ. W. H. BIXBY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting certain facts pertaining to disallowances for mileage by the Auditor for the War Department, aggregating \$168.56 in the settlement of the accounts of Maj. W. H. Bixby, Corps of Engineers; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.